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No. 4

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS

OFFICIAL REPORT

THIRD SESSION OF THE FOURTH LEGISLATIVE
COUNCIL UNDER THE GOVERNMENT OF
INDIA ACT, 1919

Thursday, the 26th January 1933



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[See overleaf.]

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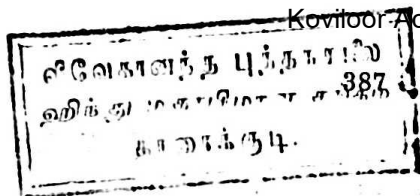
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Koviloor Academy Presented by

S. Murugappa

23-10-52.

THE LEGISLATIVE COUNCIL OF THE GOVERNOR OF MADRAS.

Thursday, the 26th January 1933.

The House met at eleven of the clock, Mr. President (the hon. Mr. B. RAMACHANDRA REDDI) in the Chair.

PRESENT:

Usman Sahib Bahadur, K.C.I.E., The hon.
Khan Bahadur Sir Mahomed.
Krishnan Nayar, Kt., The hon. Diwan
Bahadur Sir M.
Campbell, K.C.I.E., C.S.I., C.B.E., V.D.,
I.C.S., The hon. Sir Archibald.
Stokes, C.S.I., C.I.E., I.C.S., The hon.
Mr. H. G.
Raja of Bobbili, The hon. the
Rajan, The hon. Mr. P. T.
Kumaraswami Reddiyar, The hon.
Diwan Bahadur S.
Abdul Hameed Khan Sahib Bahadur.
Ahmed Miran Sahib Bahadur.
Alamelumangathayaramma, Mrs. K.
Arasu, Mr. V. T.
Ari Gowder, Mr. H. B.
Basheer Ahmed Sayeed, Mr.
Basu Dev, Mr. C.
Beyabani Sahib Bahadur, S. M. K.
Bhanoji Rao, Mr. A. V.
Birley, Mr. F.
Devadasan, Mr. M.
Dharmalingam Pillai, Rao Sahib V.
Duraiswami Reddiyar, Mr. K. M.
Ellappa Chettiyar, Diwan Bahadur S.
Gopalaswami Mudaliyar, Diwan Bahadur
M.
Harischandrudu Nayudu, Mr. A.
Hood, I.C.S., Mr. H. M.
Indriah, Mr. C.
Jagannadha Raju, Rao Bahadur G.
Jagannatham, Mr. H. M.
Jayaram Nayudu, Rao Sahib C.
Jones, I.C.S., Mr. C. E.
Kesava Ramamurti Nayudu, Mr. K.
Khalif-ul-lah Sahib Bahadur, Khan
Bahadur P.
Kolanda Reddi, Rai Sahib C.
Krishnayya Choudari, Mr. P. V.
Krishnamurti, Rao Sahib D.
Krishnan, Mr. C.
Kumara Raja of Venkatagiri, The
Kuppuswami Choudari, Mr. J.
Lakshmana Reddi, Mr. G.
Langley, Mr. W. K. M.
Luker, Mr. F. G.
Madanagopal Nayudu, Mr. R.
Madhusoodhanan Thangal, Mr. P.
Maharaja of Venkatagiri, The

Mahboob Ali Baig Sahib Bahadur.
Mahmud Schamnad Sahib Bahadur,
Khan Bahadur.
Manikkavelu Nayakar, Mr. M. A.
Moses, Mr. P. C.
Muhammad Meera Ravuttar, Mr. K. P.
V. S.
Muniswami Nayudu, Diwan Bahadur
B.
Muniswami Pillai, Rao Sahib V. I.
Murugappa Chettiyar, Diwan Bahadur
A. M. M.
Muthiah Chettiyar, Mr. M. A.
Muthu Chettiyar, Rao Bahadur P. C.
Nachiyappa Gounder, Mr. K. A.
Nanjappa Bahadur, Subadar-Major
S. A.
Narasa Reddi, Mr. T.
Narasimhaswami, Rao Sahib D. V.
Narayanan Nambiyar, Mr. V. P.
Narayanaswami Pillai, Rao Bahadur
T. M.
Natesa Mudaliyar, Rao Bahadur C.
Palat, Mr. R. M.
Pannirselvam, Rao Bahadur A. T.
Parthasarathi Ayyangar, Mr. C. R.
Patnaik Mahasayo, Sriman M. G.
Pocker Sahib Bahadur, B.
Premayya, Mr. G. R.
Rajagopala Pillai, Mr. P. V.
Ramachandra Padayachi, Mr. P. K.
Ramalingam Chettiyar, Rao Bahadur
T. A.
Ramamurti, Pandit Ganala.
Raman Menon, Mr. K. P.
Ramaswami Ayyar, Mr. T. S.
Ramaswami Mudaliyar, Mr. V. M.
Ranganatha Mudaliyar, Mr. A.
Ranganatha Mudaliyar, Mr. G.
Ranganatha Mudaliyar, Mr. M. D. T.
Rangaswami Reddi, Mr. M. B.
Sahajanandam, Swami A. S.
Sami Venkatachalam Chetti, Mr.
Sesha Reddi, Mr. B. P.
Shetty, Mr. A. B.
Simhachalam Pantulu, Mr. Gade.
Singam Ayyangar, Mr. K.
Siva Raju, Rao Sahib N.
Slater, C.M.G., C.I.E., I.C.S., Mr. S. H.
Smith, C.I.E., I.C.S., Mr. E. Conran.

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PRESENT—cont.

Sreshtha, Mr. M. S.	Syed Tajuddin Sahib Bahadur, Khan Sahib.
Srinivasa Ayyangar, Mr. T. C.	Thorne, C.I.E., I.C.S., Mr. J. A.
Srinivasan, Rao Bahadur R.	Vasudeva Pillai, Mr. V. G.
Sriramulu, Mr. G.	Venkatachala Reddiyar, Mr. K. C. M.
Stanes, Mr. F. J.	Venkatarama Ayyar, Mr. K. R.
Subbarayan, Dr. P.	Wright, Mr. W. O.
Subrahmanya Chetti, Rao Sahib P.	Zamindar of Chemudu, The
Subrahmanya Bhatt, Mr. U. C.	Zamindar of Kirlampudi, The
Sundara Rao Nayudu, Mr. T.	Zamindar of Mirzapuram, The

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Irrigation

Repairs to the Panjantangi tank.

* 493 Q.—Mr. M. D. T. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state—

(a) whether the preliminary investigation by the Minor Irrigation Supervisor regarding the repairs to the Panjantangi tank referred to in Collector's L. Dis. No. 5089/31, dated 3rd September 1931, is over and whether the necessary estimates have been prepared; and

(b) when the work is likely to be taken on hand?

A.—(a) It is reported that the tank has been investigated and that proposals for the necessary repairs will be sent up to the Superintending Engineer shortly.

(b) It cannot be taken up until the estimate has been sanctioned and funds allotted.

Construction of a masonry dam at the Nondi Alamaram, Chidambaram taluk.

* 494 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Member for Revenue be pleased to state—

(a) whether it is a fact that the poor ryots of Palvattonnan village, Chidambaram taluk, South Arcot district, holding wet lands in the tail-end of Manampathan channel and Morattu channel, have been petitioning to the irrigation authorities for the construction of a masonry dam at the place called Nondi Alamaram where the Manampathan and Morattu channels meet and the big three-feet drainage channel begins, so as to prevent the unauthorized diversion of water into the drainage channel;

(b) if so, how many such petitions were received within the last one year and what action have the authorities taken thereon;

(c) whether it is a fact that there have been frequent quarrels among ryots and criminal proceedings resorted to by them in respect of the diversion of water from the Morattu channel;

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(d) whether any recommendations have been received by the Government from the Irrigation department with regard to the construction of the masonry dam;

(e) whether any investigation has been made as to the necessity for and estimates prepared for the said masonry dam; if so, what the total cost of the said scheme is; and

(f) whether the Government have provided or propose to provide for the said amount in the ensuing budget?

A.—(a) to (e) The Government have not the information but have called for a report.

(f) No.

Mr. BASHEER AHMED SAYEED:—" May I ask the Government whether, after the report is received, if funds have not been already provided in the ensuing budget, they will at least make a supplementary provision for the construction of the masonry dam? "

The hon. Sir ARCHIBALD CAMPBELL:—" The question will be considered after we have received the report which we have called for."

Land Revenue Administration

Compensation on account of private lands taken up for test works in Bellary district.

* 495 Q.—Mr. A. RANGANATHA MUDALIYAR: Will the hon. the Member for Revenue be pleased to state the total extent of private lands taken up for each of the test or other works in progress since December 1931 in Bellary district for the relief of distress and whether the owners concerned have been given the necessary compensation and if not, why not?

A.—A statement^a showing the extent of private land taken up for road works before and after the introduction of test works on 1st June is annexed. No compensation has so far been paid to the owners. Various circumstances have contributed to the delay including the necessity of surveying the land and the absence from the villages of many of the landowners.

Mr. A. RANGANATHA MUDALIYAR:—" May I ask whether the lands mentioned in the appendix to this answer really belong to the survey number or whether they are whole fields (old waste)? "

The hon. Sir ARCHIBALD CAMPBELL:—" Presumably they are not whole survey numbers."

Mr. A. RANGANATHA MUDALIYAR:—" Now the time for the collection of kistbandi has come, has the hon. the Revenue Member taken any steps to see that no assessment is collected for the lands which are not in the occupation of the ryots and which have been taken away for these road works? "

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The hon. Sir ARCHIBALD CAMPBELL:—"I have not taken any steps in that direction as I am sure the Collector will do all that is necessary."

Mr. A. RANGANATHA MUDALIYAR:—"May I ask the Government whether there has been no subdivision whatsoever?"

The hon. Sir ARCHIBALD CAMPBELL:—"In view of the hon. Member's question I will draw the Collector's attention to the fact, if necessary, that assessments should not be collected on the lands not in the occupation of the ryots."

Mr. V. T. ARASU:—"Is it a fact that these lands have been taken over six years ago and yet no compensation has been paid to the owners?"

The hon. Sir ARCHIBALD CAMPBELL:—"I do not think so. I think the lands were occupied only last year."

Mr. A. RANGANATHA MUDALIYAR:—"In this connexion, may I point out to the hon. the Revenue Member that there are other roads for which private lands have been taken up and no compensation has yet been paid although it is several years since they were occupied? Will the hon. the Revenue Member kindly ask the Collector to pay compensation in those cases also?"

The hon. Sir ARCHIBALD CAMPBELL:—"If the hon. Member draws my attention to particular cases, I shall be glad to do so."

Administration of Justice

Examination of Mr. Subash Chandra Bose inside the Penitentiary as a defence witness in the case against Mr. Shanker.

* 496 Q.—Mr. BASHEER AHMED SAYEED: Will the hon. the Law Member be pleased to state—

(a) whether the Government are aware that in the beginning of September 1932, the Third Presidency Magistrate refused to examine in his Court at Egmore, Mr. Subash Chandra Bose, the State prisoner in the Penitentiary, as a defence witness in the case against Mr. Shanker;

(b) whether the Magistrate acted under the Government's orders, and, if so, whether the Government will state under what law they issued such orders;

(c) whether it is also a fact that the said Magistrate held his Court inside the Penitentiary in September 1932, for the purpose of examining Mr. Bose, but did not allow the public and the press to be present; and

(d) whether it is a fact that when asked by the accused the Magistrate said that the trial was a public one?

A.—(a) Yes.

(b) The Magistrate acted under rule 20 of the Criminal Rules of Practice. (Extract* appended.) The Government declined to permit the production of the State prisoner in Court under the same rule.

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(c) Yes; under section 352, Criminal Procedure Code, the Magistrate excluded the press and other persons except the defence vakils.

(d) The examination was held in open court within the meaning of section 352, Criminal Procedure Code.

Mr. BASHEER AHMED SAYEED:—"Did the Magistrate apply to the Government for sanction for examining Mr. Bose in the open Court?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Magistrate wrote to the Government to know what their intentions were. The Government said that they would not send the prisoner to the Court."

Mr. BASHEER AHMED SAYEED:—"What were their reasons for refusing to send the prisoner to the open Court?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government have the right, as my hon. Friend will see from the extract of the Criminal Rules of Practice, to do what they think best under the circumstances. In the exercise of their discretion they thought it best not to send the prisoner to the open Court."

Mr. BASHEER AHMED SAYEED:—"I quite see that discretion vests in the Government. But, may I know and may the public know the reasons that prevented the Government from exercising the discretion in favour of the accused person?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The first reason was that the prisoner was sick. Secondly, his presence in Court would have created a sensation."

Mr. BASHEER AHMED SAYEED:—"But is the Government afraid of sensation?"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"The Government are not afraid of sensation but they want to avoid it, if possible."

Law and Order—General

Refusal of the Government to accord sanction for the prosecution of Mr. M. Schamnad, Circle Inspector of Police, Mangalore.

* 497. Q.—Mr. U. C. SUBRAHMANYA BHATT: Will the hon. the Home Member be pleased to state—

(a) whether it is a fact that Mr. M. M. Rama Rao, M.A., Mangalore, applied to the Government for sanction to prosecute Mr. M. Schamnad, Circle Inspector of Police, Mangalore, and the Sub-Inspector of Police, Mangalore, for having assaulted and beaten him with canes when he and another picketed the shop of D. Kanji & Bros., Mangalore, in March or April 1932, and the local Government refused to give the required sanction;

(b) if so, whether the Government will be pleased to give the reasons why sanction was refused;

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(c) whether it is a fact that the report of the offence sent by the Sub-Inspector of Police on duty on the next day of the offence clearly shows that the beating of Mr. Rama Rao and another picketer was illegal as they were only two persons who were picketing when cane charge was ordered against them; and

(d) whether the Government will be pleased to place on the table of the House a copy of the said report of the offence made by the Sub-Inspector on the next day as also a copy of the statement drawn up by the respectable citizens who witnessed the scene and presented to the Collector of South Kanara immediately after the offence as also a copy of the judgment of the High Court in connexion with the said offence?

A.—(a) & (b) Mr. M. M. Rama Rao applied for sanction to prosecute the Inspector of Police, Mangalore, and the Sub-Inspector of Police. The Government after careful consideration of the order of the High Court, dated 17th October 1932, and all the circumstances of the case declined to grant sanction in view of the fact that the High Court expressed the opinion that no case of grievous hurt could lie against the Inspector and no case at all against the Sub-Inspector, and as it appeared that both officers acted in good faith in the discharge of what they considered their duty.

(c) The report of the Sub-Inspector of Police indicates that when the Inspector warned the picketers, volunteers and the crowd to disperse, some of them did not disperse, so a light cane charge was ordered.

(d) The report of the Sub-Inspector of Police is a confidential document which the Government decline to place on the table of the House. The statement^a of citizens of Mangalore presented to the Collector and the judgment^a of the High Court are placed on the table of the House.

Mr. U. C. SUBRAHMANYA BHATT:—"May I ask the Government whether the information they have given in answer to this question is the final information, or whether they are going to hold an enquiry and find out the real state of affairs?"

The hon. Sir MAHOMED USMAN:—"The Inspector-General of Police is holding an enquiry to-day at Mangalore."

Mr. A. RANGANATHA MUDALIYAR:—"It is said that no case of grievous hurt could lie against the Inspector. May I ask whether there was no medical certificate showing the wounds, whether there was no X-ray photograph taken showing the fracture of the bones and so on?"

The hon. Sir MAHOMED USMAN:—"That is the opinion of the High Court."

Mr. A. RANGANATHA MUDALIYAR:—"It is said that both the officers acted in good faith in the discharge of what they considered their duty. May I ask how the Government consider their action?"

^a Printed as Appendix III on pages 447-451 infra.

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The hon. Sir MAHOMED USMAN:—"I have already said that the Inspector-General is to-day holding an enquiry to fix the responsibility upon the person who has used excessive force."

Mr. A. RANGANATHA MUDALIYAR:—"May I know when the enquiry will be completed and when the responsibility will be fixed?"

The hon. Sir MAHOMED USMAN:—"The enquiry is being held to-day and it will take some time for us to get the report."

Mr. A. RANGANATHA MUDALIYAR:—"What is the rule under which exemption from prosecution is granted? Is it enough if the officer believed what he did was his duty or must he have been actually doing his real duty?"

The hon. Sir MAHOMED USMAN:—"It is left to the discretion of the Government."

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1932-33.

GRANT XIX—MEDICAL—TRANSFERRED.

* The hon. the PRESIDENT:—"The House will now proceed with the discussion of item No. 4 of the Demands for Supplementary Grants."

* Mr. BASHEER AHMED SAYEED:—"Sir, I was referring to the inadequate and often complete lack of provision for the treatment of women and children, especially gosha women in the hospitals maintained by local bodies. I particularly mentioned the Government Headquarters Hospital at Coimbatore where there is no accommodation for gosha women and children in the out-patients' department. The hon. the Minister should enquire from those municipalities and local boards which get grants from public funds for the maintenance of their hospitals, as to what provision they have made for the treatment of gosha women and children. There is no reason why one section of the public alone should not be entitled to the same privileges and facilities as are available to any other section. It is high time that adequate provision is made for the treatment of women and children, especially gosha women in the Coimbatore Headquarters Hospital and in the other hospitals in South Arcot and Salem.

"With regard to the construction of the Prince of Wales Children Hospital, Madras, there has been an insistent demand that the Gosha Hospital should be extended to serve better the needs of more people. The proposal seems to be only to construct a building for 50 beds in the compound of the Victoria Caste and Gosha Hospital. That will not meet the needs of the people adequately, as much more space is needed for the larger and ever increasing number of people who resort for medical aid and treatment. Very often patients have to return disappointed as there is no sufficient accommodation for them in the in-patient wards. Most

[Mr. Basheer Ahmed Sayeed] [26th January 1933]

of these poor people are not able to afford the cost of treatment at the hands of private doctors. In these circumstances, addition of a few more beds in the hospital will not be enough. This number should be doubled or trebled at the earliest moment.

"Then there is a provision of Rs. 4,000 odd for maintenance charges. I do not see how the question of maintenance charges arises now. It is stated that the expenditure will have to be incurred in 1936 or 1937 when the hospital begins work. I hope the hon. Minister will explain to us how exactly this demand for maintenance charges is not a premature demand."

MR. ABDUL HAMEED KHAN:—"Mr. President, Sir, I should like to know whether the hon. Minister is aware that this Victoria Caste and Gosha Hospital is only a gosha hospital in name but not in real fact. There is only one hospital in the city, perhaps in the whole presidency, where accommodation for gosha women is provided, but owing to the fact that often-times that accommodation is occupied by non-gosha women, admission is refused to gosha women who go to this hospital for treatment as in-patients. There are the maternity hospital and other hospitals in the city which give accommodation to women patients although they do not make any special provision for gosha women. This is the only hospital where there is accommodation for gosha women. I do not want that all the accommodation there, should be reserved for gosha women exclusively, but I want to ask whether it is not advisable that the hospital authorities are instructed that, as far as possible, gosha women patients should be given preference in the matter of admission as in-patients.

"Then, Sir, with regard to the name of this hospital, may I ask why it is called a Victoria *Caste* and Gosha Hospital? Does it mean that non-caste people, women of the Depressed Classes, are not admitted therein as patients? When that is not the case why should we have the word 'caste' put in the name of the hospital? Again, Sir, as the name indicates, it is not a hospital which is reserved for gosha women. The gosha women are admitted when there is accommodation only by the tender mercy of the hospital authorities. Often they are refused admission as most of the beds have been occupied by people who do not observe gosha.

"Lastly, most of the doctors and the nurses employed in this hospital do not know Hindustani, while most of the gosha patients who go there know only Hindustani. They are people from the southern part of the city and do not understand, like most of the people from the northern parts, Tamil. So much so the patients do not make themselves understood by the doctors and the nurses and great difficulty is felt and sufficient attention is not paid. This state of affairs is only natural when the one does not understand the language of the other. It is natural also that the nurses do not like such patients and try to avoid them as much as possible; they treat them in such a manner that they would not like to go back to the hospital if they fell ill again. That is only natural.

26th January 1933] [Mr. Abdul Hameed Khan]

" Sometimes, instructions are given to these gosha ladies that they need not come again to the hospital. It is quite natural; because anybody who does not understand the language of the patients, would like to be kept away from this class of patients. The lady doctors attending on these patients are no exception to this general rule. They do not want to be bothered by patients whose language they do not know and who could not understand the language of the doctors. Gosha women knowing Urdu only, labour under this disadvantage. I wish to place the matter before the hon. the Minister so that he might consider this matter and see whether he cannot rectify matters to the extent to which it is possible." 11-15 a.m.

* The hon. the RAJA OF BOBBILI:—" Sir, my hon. Friend, Mr. Natesa Mudaliyar referred yesterday in his speech to the fact that the accommodation available in the Victoria Caste and Gosha Hospital is totally inadequate to the needs of the city. I think that the construction of the new 50-bed ward out of the funds provided by the Prince of Wales Hospital Fund Committee, will go to a large extent to meet the pressing necessity for increased accommodation.

" My hon. Friend Mr. Basheer Ahmed enquired whether any special facilities are given for gosha women and children in the hospitals at Coimbatore. These hospitals are open not only to men but also to women and children. As regards special arrangements and facilities to be given to gosha ladies, I shall certainly get into touch with the Surgeon-General and, if it is possible, I shall see that necessary arrangements are made. The hon. Member also asked me, as regards the construction of the new ward out of the funds at the disposal of the Prince of Wales Hospital Fund Committee, why it is necessary that the Government should come forward with this demand at this early stage. The reason is this. Firstly, the Committee will not be agreeable to place the funds at the disposal of the Government, unless the latter give them a guarantee that they are prepared to maintain the hospital at their cost. As this will be a commitment by the Government, it is found necessary to take the previous sanction of the House.

" My hon. Friend, Mr. Abdul Hameed Khan, referred to the Victoria Caste and Gosha Hospital and stated that although the name is gosha hospital, special facilities are not granted to gosha ladies, and that they are sometimes refused admission for want of sufficient accommodation. I shall certainly make enquiries and see that, as far as possible, preference is given to gosha ladies. He also enquired why the word 'Caste' in the name of this hospital should not be omitted. I believe the reason is this; there are special wards reserved for Caste Hindus; that is the reason why the hospital is known as Victoria Caste and Gosha Hospital. But I may mention to the House that the hospital is not reserved entirely to caste people; patients of all castes and communities are admitted. As regards his suggestion, that at least a few of the nurses and other staff employed in this hospital should be able to speak and understand Hindustani, I shall see how far it will be possible, by making transfers from the staff of other hospitals in the city, to provide this facility. If

[The Raja of Bobbili]

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that is not possible, the Government will bear this point in mind when they have to recruit staff in future. With these words I request the House to sanction this demand."

* The hon. the PRESIDENT:—"The question is that the—

'Government be granted a further sum not exceeding Rs. 300 under Grant XIX—Medical—Transferred.'"

The demand was carried and the grant made.

GRANT XX—PUBLIC HEALTH—TRANSFERRED.

* The hon. the RAJA OF BOBBILI:—"Sir, on the recommendation of His Excellency the Governor, I beg to move that—

'the Government be granted a further sum not exceeding Rs. 2,37,300 under Grant XX—Public Health—Transferred.'

"This amount is required for paying half-grants to certain municipalities mentioned in the list to the extent of Rs. 79,000. A sum of Rs. 1,50,000 is required to give grants to local bodies to improve water-supply in rural areas. A sum of Rs. 4,700 is proposed to be given to the Corporation of Madras towards the Bogipalayam Housing scheme. A grant of Rs. 4,700 has to be made towards the construction of a building for the Maternity and Child Welfare centre at Berhampur. All the details are given in the note accompanying the Supplementary Grants. If hon. Members wish to have any further information, I shall be glad to furnish them."

* Mr. K. A. NACHIYAPPA GOUNDER:—"Sir, it is stated in the explanatory note that a sum of Rs. 6,000 is provided for the Ammapet water-supply scheme in Salem district. Salem is suffering very largely for want of proper water-supply; it has not yet been properly attended to although many an appeal have been made to the Government by this House and by people outside. The Budget session is nearing and the budget will be presented to the House very soon. I would request the hon. Minister that the scheme for supply of water for Salem is improved. The question of supplying water from the Mettur scheme was considered for a very long time but no substantial progress has been made in that direction. I understand that orders have been passed and that the plans and estimates for the scheme have been prepared. I would urge on the Government that they will be pleased to take up the question early and to provide necessary funds in the budget for the next year and to see that the scheme is put through as early as possible."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I have given notice of a token cut which I beg to move—

'that the allotment of Rs. 2,37,300 under Grant XX—Public Health—Transferred—be reduced by Rs. 100.'

"My object is to find out what arrangements the Government are making for the proper utilization of the grant by the local bodies. I find that there has been a demand for Rs. 4.82 lakhs from the local bodies for this purpose. The Government have been able to provide only

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Rs. 1,50,000 for being given to the various local bodies for improvement of rural water-supply. I do not know whether the Government have made proper arrangements to find out whether the amounts granted to the various local bodies, are spent in a proper way so that the people in the districts may get advantage from it. Sir, most of the local bodies are now presided over by honorary presidents, and schemes for water-supply are generally advanced by the engineers on the advice of the overseers concerned. After a stage we come to know that the schemes taken up are not for the benefit of the people and in some cases people do not get water by taking up these schemes. In these days when it is urged that certain classes of people are not clean, the local bodies should provide them with better facilities for water; I think there must be some arrangement by which the Government may be able to see whether the amounts are spent in a useful manner.

“At present, I think the district health officers are asked, in an advisory capacity, whether schemes proposed by the various local bodies can be taken up. There must be a statutory provision that schemes taken up must have the prior sanction of the Public Health department under the supervision of the Director of Public Health. The district health officers must also share a certain portion of the responsibility for these schemes. Unless this is done, I am afraid that the money that is given to the local bodies may not be spent in a manner suited to the needs of the people. Moreover, this sum is asked for in the month of January 1933 and I wonder if the whole of it could be spent before the 31st March 1933. If these amounts are not spent before 31st March 1933, as a special case, the local bodies must be permitted to utilize the amounts in the months to come. With these few words I move my cut motion.”

Mr. M. DEVADASAN:—“I second it.”

Khan Bahadur MAHMUD SCHAMNAD SAHIB Bahadur:—“Sir, I wish to have some information from the hon. the Chief Minister on one or two points. I want to know whether these grants have already been made or whether they are yet to be made. If they have not yet been made, will there be sufficient time for the several local bodies to spend the grants? If there is no time for spending the money, it is worse than useless to make these grants now. I think the amounts now given will have to be spent before the 31st March. Even if plans and estimates are to be made ready immediately after these grants are made, it will take one or two months for them to be complete; in the meantime, the grants will have lapsed. It is well known that generally the hands of the Engineer-in-Chief and his subordinates are full and they are therefore unable to respond to the requests of the local bodies to supply them with plans and estimates sufficiently early. Therefore, Sir, as was pointed by the previous speaker, the Government should see to it that these grants are not allowed to lapse by the 31st March.”

* Mr. BASHEER AHMED SAYEED:—“Sir, I rise to support the suggestions made by my hon. Friend from Salem. The question of water-supply to the Salem Municipality has been pending consideration for

11-30
a.m.

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many years now. It has been very often said that the matter was being considered by the Sanitary Engineers, that it was in the hands of somebody, and so on, but nothing has been so far done in the direction of improving the water-supply of the municipality. True, a sum of Rs. 6,000 is being asked for for the Ammapet water-supply scheme; but Ammapet is only a small portion of the Salem Municipality, and that in a remote corner, and that cannot be deemed to satisfy the needs of the Salem town. It was only the other day that I received a letter from the chairman of the municipal council of Salem, urging the necessity for immediate attention by the Government to the needs of the people living in the municipality for an adequate protected water-supply. He has referred in his letter to the Mettur dam and the several schemes that were investigated by the Sanitary Engineer to Government and he seems to understand that some of the schemes are now before the Government for final decision. If there are any such schemes before the Government for consideration, I should like the hon. the Chief Minister to tell us what stage they have reached and when the matter will be taken on hand. It should be possible for the Government to give an adequate supply of water to the Salem municipality at a very small cost from the Mettur dam. That question must have reached a definite stage now and we should know whether it will or will not be possible to do so or whether the engineers of the Government are still contemplating over the scheme. Sir, it is not a fair thing to leave any municipality or any local area without an adequate protected water-supply. I would therefore urge upon the hon. Minister that he should take early action and expedite the schemes that are pending consideration and if possible see that even if funds are not provided for in the coming budget, they are made available by means of supplementary grants to meet the costs that might be involved if the water-supply schemes are taken on hand. I trust that no further delay will be caused in this respect."

Mr. A. RANGANATHA MUDALIYAR:—"Sir, in the grants to local bodies for mufassal water-supply schemes we find allotments for the Cowl bazaar water-supply scheme, the Brucepeta water-supply scheme and the Adoni water-works improvements scheme. So far as the Bellary Municipality is concerned, it is now very many years since water-tax began to be collected from the house-owners and yet they have not been able to take advantage of the scheme. Some attempt is now being made to extend the supply to such parts of the town as have not been provided with taps and things like that. But there are one or two parts of Cowl bazaar in which the levels do not admit of any water being brought to them from the works. I ask the Government whether it is fair in those circumstances to continue to levy the water-tax on the inhabitants of those areas which are far removed from the Cowl bazaar and do not benefit by the water-supply given to the rest of the town. I submit that the Government should either devise methods by which those people, just as the other people of the town, should have the benefit of the water-supply or exempt the residents in those two areas from payment of water-tax.

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“As regards the Adoni Municipality, I understand there was a scheme pending investigation by the Government to take water to the town from the river Hagari, some miles off from Adoni. I want to know what the Government mean by asking for the present grant in regard to the Adoni Municipality. Is it that they have decided not to take up the Hagari scheme at all but propose to improve the present supply, or do they, because of an emergency, spend some money to improve the existing supply without overlooking the other scheme, i.e., of taking water from the Hagari river? These points I wanted, Sir, to place before the Government in order to get some enlightenment thereon.”

Subadar-Major S. A. NANJAPPA Bahadur:—“Sir, the question of water-supply to the Salem town has been pending since the year 1927. So many people have spoken about it on several occasions both here and elsewhere, but nothing has been done so far. The Government took the matter in hand some three years ago and sent a party of members from this Council to investigate the question of water-supply to Salem. Of course they went to Mettur and submitted certain proposals which have been under consideration since. Recently, I think, the Sanitary Engineer took up the matter and I do not know what conclusion he has come to. There is a tank called the Vama-pallur tank from which we are getting water-supply. Last year although there were rains, the supply to the tank was very small. Salem is a big district headquarter town, and if no water is given to the people, I do not see how they can live. So far as costs are concerned, we told the Government that we would be prepared to bear one-third of the costs and requested them to meet the other two-thirds. In spite of it we find that no provision is made for the Salem water-supply scheme. I think, Sir, now that we have a surplus in our hands, the Government will be able to provide sufficient funds for this purpose. Sir, water is a necessity for the people; we can live even without food, but we cannot get on without water. I hope the Government will take the matter into consideration at once and see that good drinking water is supplied to Salem. It is not fair to delay the matter further, especially when the Mettur project is almost ready and when you have good water available near at hand. I shall deal with the subject again during the budget session and therefore I shall stop now with these few words.”

* Diwan Bahadur M. GOPALASWAMI MUDALIYAR:—“Sir, I wish to draw the attention of the hon. the Chief Minister to certain grievances so far as the Bellary town is concerned, in the matter of water-supply. There has been an agitation by the owners of bungalows that they should be given permission to have water connexions. I think when the ex-Chief Minister Mr. Muniswami Nayudu visited Bellary, there was also a deputation which waited on him in this regard. He said, I think, that he would consult the Sanitary Engineer before giving a definite reply; but no reply has been so far forthcoming. The idea seems to be that unless there is to be a drainage scheme, water connexions should not be given. I am afraid, Sir, it is rather a false

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idea; because so far as the bungalows are concerned, there is no immediate necessity for a drainage scheme. In some of these bungalows live very big people like the Collector, the Conservator of Forests, the District Medical Officer, the District Superintendent of Police, etc. These bungalows have very big compounds and I think all the various new buildings that have come into existence recently have also big compounds. So, so far as they are concerned, there is no need for any drainage scheme at all. I may even suggest another thing. If water connexions are given to these bungalows, the owners may be asked to spend water to a limited extent; and if the consumption of water exceeds the prescribed limit, the municipality can charge extra for it by installing metres. I am sure in this way the municipality can get an additional income of about Rs. 10,000. I do not know why the Government do not give permission for the extension of the water-supply to the various bungalows concerned. In view at least of this additional income of about Rs. 10,000 to the municipality, such permission should be granted. Now that I have brought the matter to the notice of the hon. the Chief Minister, I hope he will consult the officers concerned and grant this request."

11-45 a.m. * Mr. M. DEVADASAN:—"Sir, I wish to deal with the question of the existing facilities for water-supply in Tinnevely and Palamcottah. The present state of affairs is not quite satisfactory. I have on previous occasions stated that the protected scheme of water-supply for Tinnevely and Palamcottah, that was formulated some years ago, is still kept in abeyance. At one time the municipalities of Tinnevely and Palamcottah said that if a loan was granted to them for the said scheme, they would repay it in the course of forty years, but the Government wanted that it should be repaid in twenty years. The municipalities did not agree to this. On that ground the scheme was held in abeyance, but later on, when it was again urged that the scheme should be taken up, the Government said they had no funds. I now urge again, Sir, that the scheme should be taken up immediately for the reasons I adduce now. The people have to depend largely for water-supply on the irrigation channels that pass through the towns and, in the rainy season as the channels are contaminated, the people are subjected to attacks of cholera and fall victims thereto, and in the dry season they have to go several miles for getting pure water; for to them the river is very very far off. So far as Tuticorin is concerned, the people of the municipality have been complaining of inadequate and irregular supply, as the scheme there is not working properly. They are blaming the engineers who constructed the scheme. This is to be attended to immediately. The condition of the poor people living in the municipal area is still worse; they are not provided with enough wells and in the hottest season when the sources of water fail, they have to depend upon the charity of their neighbours. Even though there are wells in some places belonging to the municipality they are prevented from using them on the ground of pollution. I request the hon. Chief Minister to see that they are allowed the use of municipal wells, and also that steps are taken to see that an unfailing water-supply is given to them."

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* The hon. the RAJA OF BOBBILI:—" Mr. President, Sir, my hon. Friend, Mr. Muniswami Pillai, who moved the cut motion, asked me whether before rural water-supply schemes are sanctioned, they are scrutinised by Government. Ordinarily all such schemes have to be sanctioned first by the Sanitary Engineering department. In the case of important schemes, the Director of Public Health is consulted. He was also doubtful whether Government made sure that those sums are properly spent. Estimates are first obtained, and the Government grant is paid only on the submission of bills. As regards the doubts expressed relating to the supplementary grants moved this month, whether there would be sufficient time for their utilization during the present financial year itself, I may mention that the various bodies concerned have been already authorized, in anticipation of sanction, to incur expenditure, and as the total sum under the demand is greater than the allotment now proposed to be given, I see no difficulty in the way of the local bodies spending the amount before the end of the financial year. As regards the request relating to the lapsing of the unspent amount at the end of the financial year to the Government, I am afraid it will not be possible as the rules are directly against that. (Mr. A. Ranganatha Mudaliyar:—Re-allot them!) It will be against the rules of Government. My hon. Friend, Mr. Nanjappa, mentioned about the urgency of the Salem water-supply scheme. It has been carefully examined except in one or two minor details, and then it will be ready for consideration. There has been a difference of opinion among the technical experts of Government as to whether it is desirable to utilize electric or hydraulic power to drive the pumps. After this matter is satisfactorily settled, I see no impediment for the execution of the scheme. But I am afraid the matter is already late for inclusion in the budget for the next year. All the same, I do realize the importance of the scheme, and as soon as the examination of these details is completed, I shall come before the House with a supplementary grant.

" As regards water-supply to Bellary, when I last visited the town, many representations were made to me about its urgent necessity for the cantonment area. The original scheme of extending the municipal water-supply to the cantonment area has been dropped, for the reason that the troops have been removed from that area. Now a small scheme for the supply of water to a portion of the cantonment area, which is now occupied by private individuals, is under consideration, and I shall do my best to push it through.

" As regards the request of Mr. Ranganatha Mudaliyar that certain areas, to which it will never be possible to take water, should be exempted from water-tax, I feel that it is a reasonable one, and after examination I will advise the municipality to exempt those areas.

" Now, regarding the Adoni water-supply scheme, I have to state that the Government have not abandoned the Hagari scheme. It is still under investigation, and the present proposal is to improve the existing water-supply.

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" My hon. Friend, Mr. Devadasan, mentioned to me about the Tinnevely water-supply scheme. I am not in a position to give any satisfactory reply to that, as I have not got the connected papers with me. I shall take the earliest opportunity to investigate this matter. Regarding the unsatisfactory supply of water to Tuticorin, I am aware, Sir, that the scheme which has taken many long years to be completed, has developed certain defects and requires examination. Owing to the change in the engineering staff in charge of the work from time to time, it has been found very difficult to decide who is actually responsible for the defects. The matter is under investigation and I shall see the defects are remedied at the earliest possible opportunity.

" With these words I request the hon. Mover of the cut motion to withdraw his motion."

The motion was, by leave, withdrawn.

The demand was put and carried, and the grant was made.

GRANT XXI—AGRICULTURE—TRANSFERRED.

* The hon. Mr. P. T. RAJAN:—" Mr. President, Sir, on the recommendation of His Excellency the Governor, I beg to move—

' that Government be granted a further sum not exceeding Rs. 100 under Grant XXI—Agriculture—Transferred.'

" As will be seen from the Explanatory Note circulated among the hon. Members of the House, Madras has about 100,000 acres under sugarcane, and that with an additional area of 50,000 acres it can easily make itself self-sufficient as regards sugar. In the Godavari delta alone, if water-supply is assured, an increase in area of 9,000 acres may be anticipated next year. To achieve this end the Director of Agriculture has been doing propaganda along with the Director of Industries. With the extension of sugarcane cultivation, care should be taken to reduce the slump in the jaggery market. So steps should be taken to turn the sugarcane juice in those areas into jaggery and sugar in equal proportions. To this end, the Agricultural department should demonstrate on its farms not only the methods of manufacture but also of that of sugar on a small scale and within the means of the well-to-do ryots or a group of ryots. They are extensively used in the United Provinces and are being adopted in the Punjab. With propaganda by the Agricultural and Industries departments it is hoped that centrifugals will be widely adopted in this Province also. So the Director of Agriculture proposes to purchase two centrifugals at a cost of Rs. 1,100 each for the manufacture of sugar at the Anakapalle and at the Palur Agricultural stations. The amount can be found by re-appropriation, and as the expenditure relates to a new service it is for the sanction of the House."

* Mr. W. O. WRIGHT:—" Mr. President, Sir, I am sure there is nobody in this House who would not wish South India to be self-supporting in the matter of sugar. We do not wish to see the money spent on sugar in the Madras Presidency going to enrich the farmers of

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Java or to assist Soviet Russia on the industrial side of the 5 year plan. We therefore welcome this proposal, that demonstration plants should be erected in various parts of the presidency to manufacture sugar. In view of the additional area under sugarcane cultivation and the consequent excess of cane jaggery, which are causing a slump in the cane jaggery market, I would like to suggest to the hon. Minister that these demonstration plants should be erected in parts of the presidency where facilities do not otherwise exist for crushing cane. It is proposed that one of such plants is to be erected in Palur in South India; and that will be only six miles from the only large sugar crushing mills in South India. During the last year, I learn, on good authority, that those mills have been entirely re-equipped with new machinery at a cost of well over 15 lakhs to crush sugarcane.

“ They are capable of crushing about 750 tons of sugarcane a day and have been so built that it would be easy to extend the quantity to as much as one thousand tons a day. Therefore the area round about Palur has no need for such demonstration plants to show how to produce sugar by the centrifugal process. I would like to make it quite plain that it is not a question of sugar mills fearing any competition from these plants. There are reasons with which I do not propose to trouble the House at the present time why these small plants, although they are in a way suitable for the purposes described by the hon. the Minister, are not able to compete with large fully equipped sugar mills either in price or in the quality of sugar. I would, therefore, in supporting this grant, ask the hon. the Minister whether he cannot arrange to place this demonstration farm somewhere else where it will be useful, where there are no facilities for crushing sugarcane and where it is likely that it will increase the production of sugar and thus prevent these large imports of foreign sugar into Southern India.”

12
noon.

* Mr. BASHEER AHMED SAYEED:—“ I quite see, Sir, the point raised by the hon. Member representing the Madras Chamber of Commerce, but I would like to ask whether Messrs. Parry & Co., will give facilities for purposes of demonstration to the Agricultural department in their factory in the manufacture of sugar. I do not know whether free access is given within the premises of Messrs. Parry & Co., Sugar Manufacturing Branch, to all the members of the public or cultivators who are interested in knowing and being trained in the art of sugar manufacture. I for one think, Sir, that there are very many restrictions placed by them even in regard to visitors to go into and find out things for themselves. If the hon. the Minister considers that the suggestion is reasonable and decides to place the new demonstration farm not at Palur but at some other place where it would be more useful, then it behoves the hon. Minister to secure facilities from Messrs. Parry & Co., to enable agriculturists who are interested in the manufacture of sugar to get themselves trained in the Nellikuppam sugar factory. If that could be done, I do not think there could be any objection to placing one of these centrifugals at some other place than at Palur. But at the same time, Sir, I do not know what will be the commitment for this centrifugal, if it is to be placed elsewhere than

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at Palur. Already there is a demonstration farm at Palur for agricultural purposes. Probably if this centrifugal is placed at Palur, there may not be any recurring cost to the Government because the staff is already employed there and they might be engaged in demonstration purposes. But if this is to be shifted on to some other place further south, then surely Government will have to incur additional cost for maintenance which will be of a recurring kind. Further the Minister will have to make new provision if he agrees to shifting this centrifugal to some other place where it will be more useful than at Palur. It is true that Palur is in close proximity to Nellikuppam but that does not warrant its being shifted away if Messrs. Parry & Co. are not willing to spare some time and also to give necessary facilities for the training of agriculturists who may be sent from time to time by the Government. I therefore ask whether Messrs. Parry & Co., would give such a guarantee as to afford all facilities to the Government to get men trained in their factory. If that is possible, then the Minister may consider the suggestion of the hon. Member from the Chamber of Commerce.

“ Sir, the question has also to be examined as to whether the production at these demonstration farms where these centrifugals are going to be placed will justify the cost and labour. I find later on in the explanatory notes that two other centrifugals are also asked for by the Government. Then that will make a total of four. We would like to be told whether the Industries Department has examined the question as to whether it is possible by these processes to manufacture sugar at a price which will be able to compete with imported sugar from the East Indies and particularly from Japan and Java, or from the Punjab and other places where extensive sugar manufacture takes place. We find from reports and books published that Japan and the islands south of Japan have made very great progress in the manufacture of sugar and they have found it possible to dump very large quantities of sugar into this country. I would like to know whether the hon. Minister is aware or the Secretary, Development Department, is aware of any person having gone over to Java and the other islands where manufacture of sugar is carried on on such a large scale and whether there is any person who has any experience of the process, and whether the Development Secretary is satisfied that the process if started here will bring in profit, to the manufacturer and whether people who will engage themselves in this enterprise will be able to compete successfully with importers of sugar from those islands. If that satisfaction has been arrived at, then, Sir, it will not be fair for this House to oppose the purchase of these centrifugals for demonstration purposes. But if it is merely a case of trying experiments, even then it is worth while for the Development Department to send one or two persons, or depute them specially for the purpose, and get them trained there in all the processes of the manufacture of sugar and then start this demonstration. Before that I do not think much useful purpose will be served by purchasing these materials at considerable cost and also incurring expenditure for maintenance and other charges.”

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Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" I am sorry, Sir, that there is slight confusion in the discussion of the matter as has proceeded so far. I fear the present proposals of the Agricultural and the Industries departments have not been understood properly. Sir, to manufacture sugar on a large scale several machines are necessary as also facilities which at present are lacking in this Presidency. For instance a large area of sugarcane which can support a mill like the one referred to at Nellikuppam, I do not think we have got facilities in very many places in this Presidency. And probably it will be a long time before we will be able to bring into existence similar conditions in any place in this Presidency. But what is now sought is to meet the growing difficulties of the agriculturists in this province and also to enable them to manufacture white sugar to supply the needs which the sugar coming from outside is filling at the present moment. Sir, I may admit at once that it may possibly be that the white sugar which is going to be produced by these small installations may not be just as good as the sugar we are getting from Java. But still for most of the purposes for which we are using this sugar, the sugar which is going to be produced by the small installations can be used and can be used properly. That has been the experience of the United Provinces, and I believe the attempt now is to follow the line of activity in the United Provinces and bring into existence a large number of small installations in the country parts of Madras so as to enable the agriculturists to get a little more out of their sugarcane than what they have been doing until now. In manufacturing jaggery they are not getting as much as they need. But at the same time the question arises in the installation of a factory of this sort how much of the jaggery which we are making can be turned into white sugar, and how much will remain in the shape of molasses. It is a thing to be considered. But I see that in the United Provinces they find use for the molasses, which makes it profitable to non-agriculturists to take to this particular method of manufacturing sugar. Here in the south we have not got the same demand for molasses and the same use for them. So the departments of Agriculture and Industries will have to find some means of utilizing the molasses in such a way that there will be profit in such a manufacture. The experiments so far conducted by the Imperial Institute at Coimbatore for utilizing these molasses by turning them into jaggery seem to be partly successful, so that even if the jaggery produced as a result thereof is not so good as is ordinarily produced, still it is admitted that the result is that the prices obtained for both the white sugar and this jaggery that is produced is something more than what they were getting for the jaggery they were manufacturing before. In that way the agriculturist is benefited. But I must state at once that we cannot still say that we are sure of the results. Some more experiments and some more trials will be necessary before we can be sure that it will result in profit in every case so as to encourage the people to resort to this method of turning sugarcane into white sugar instead of into jaggery. But, Sir, the object of these small installations is very much restricted. It is not useful for producing sugar on a large scale. It is not to serve the purposes of a big sugarcane-producing area like the one we have

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got, namely, the area in the delta districts of Godavari and Kistna. For such areas probably a big factory may be necessary, a factory like the one at Nellikuppam. But the present idea of using these centrifugals is for areas where the acreage under sugarcane is not very large, and is only something like say 400 or 500 acres. It will be such areas that will be served by these installations and I am sure, if only these installations are only successful and they are found to be profitable, two objects will be served. Two questions will be solved; one will be the additional advantage to the ryots and the other will be the supply of sugar for the country. So it will have a great future for the province. Only, as I said, we are yet to be sure of the results. If the experience of the United Provinces can be any guide to us, I am sure there is ground for hope. I was there recently and I found, after making some enquiries there, that this sort of small installations seem to be very successful. And I do not see any reason why they should not be successful here also. So on these grounds, not with the high hopes which my Friend raises with reference to this installation, but considering it as a sort of village industry, a small-scale industry which will help the agriculturist and the ryot, I support this activity on the part of the Government and their officers. And I only hope that they will try to concentrate on these things and try to assure themselves of their success before vaguely going and saying that this must be successful and, they are doing this and that, and so on. I want them to concentrate their efforts on certain matters so that we may assure ourselves of their success and of their being taken up with profit by the people, rather than merely advertising ourselves. At this time of pressure when paddy produces a price which is just about 40 per cent of what it used to be in the best days, and when there is no sufficient demand for paddy and other wet crops, it will be a God-send if an experiment like this succeeds and we are enabled to grow sugarcane in large quantities. Bellary, I hear, Sir, is already taking the lead in this matter and surely similarly other areas will take it up where sugarcane can be extended in this province. It is for these reasons that I very strongly support this demand and I request the Government to watch it very carefully and see that more results are obtained than has hitherto been the case."

12.15 p.m. Mr. A. RANGANATHA MUDALIYAR:—"Mr. President, Sir, I agree with Mr. Wright that centrifugals may with advantage be tried in other places. There is no good, Sir, in putting up the centrifugals, distracting the attention of the ryots and making them have recourse to them. The people there in the neighbourhood are already getting the benefit of the factory there. But there are other areas where there are no facilities and in those areas we have to tap first instead of the areas near existing factories. There are one or two other points which I want to mention. Before Government install these plants in particular places I would urge that they should satisfy themselves as to all the conditions for working them with the maximum of advantage. I had the privilege of seeing one of the centrifugals work at Coimbatore. There I found that they had a sugar-crushing mill and it was giving juice which it was impossible for the pans to absorb and the centrifugal to work.

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If we could keep four more pans then they could deal with the juice. Probably it may be necessary for them to have two or three more centrifugals so that all the rab may be converted into sugar. These are things to be considered by them. In fact these are already urged and I hope necessary steps have been taken when transporting the plants to Hospet by ordering for more pans for taking charge of all the juice. My friend asked the question whether it will be possible for these centrifugals to manufacture sugar and sell it at prices that can compete with Java sugar or with the sugar produced at Nellikuppam. I do not think it is possible but the point really is that they will get a far better price than they can get for the jaggery. It is really two and a half times the price. It is a very important point from the point of view of the jaggery producer. The molasses are mixed up with rab and reconverted into jaggery. I feel, Sir, that instead of wasting the rab for this purpose they may as well take the juice and by mixing up they can get jaggery. In fact they did get jaggery but I do not think it is really worth while. These are all the points both from the agricultural and industrial side in regard to which they must come to a conclusion before they begin experimenting with the cane of the ryots. I have very great pleasure in giving my support to the proposal."

Mrs. K. ALAMELUMANGATHIYARAMMA next addressed the House in Tamil, and the following is the English translation of the same:—

"Mr. President, Sir, the Members of the Council who preceded me have referred to the important question of agricultural improvements. Our country is mainly agricultural and our aim should be to develop agriculture on sound and scientific lines and see that our raw products are best utilized to promote the economic prosperity of the country. For example, sugarcane is growing in acreage and the cane juice is made into jaggery and sugar, but there are not sufficient facilities generally for the ryots to make it into white sugar. This is due to the fact that agriculturists do not know modern methods. Generally speaking it must be acknowledged that agriculture in India has not substantially been benefited by scientific inventions and improvements. I do not see any reason why we should not, with the aid of students who graduate in agriculture, manufacture white sugar of the same quality as we receive from abroad. If only the Government would interest themselves in the matter and establish model sugarcane farms and through them practically demonstrate the efficacy and the economy of up-to-date methods in sugar production, they will be doing a great deal of help to agricultural progress in South India, and incidentally provide employment for the large number of qualified and educated students and others whose talent is now lying idle. In our Presidency, sugarcane is cultivated in South Arcot, North Arcot, Coimbatore, Madura, Tinnevely, Bellary, Kistna, Godavari and others districts. Demonstration through the aid of agricultural farms will greatly help, and improve sugarcane cultivation, and I therefore heartily support the proposal for an early establishment of more and more such agricultural farms. In doing so, I may also refer to the present economic

[Mrs. K. Alamelumangathayaramma] [26th January 1933]

depression and the low level of commodity prices which have hit the agriculturists very hard. In many cases the agriculturists find it an impossibility to pay their Government dues in time.

"It may not be out of place here to point out that palmyra trees are also much useful in sugar production. There are a large number of palmyra trees in our Province and therefore the production of sugar from palmyra leaves is an important industry. Nearly twenty years ago I had an opportunity of seeing the working of a factory of this kind in Kulasekharampatnam in Tinnevely district. Even now in certain parts of that district jaggery and sugar are being made from palmyra juice. Generally it is the people of the lower classes that use such sugar and jaggery, while the higher classes go in for foreign white sugar. If the Government interest themselves in the matter and see that there is greater development and improvement in sugarcane cultivation and sugar production, there is little doubt that even these who use foreign sugar will take to using indigenous sugar. I need hardly say that sugar is a necessity from a health point of view. In conclusion, I once again support the proposal for agricultural demonstration farms, as they are of vital necessity to the future agricultural prosperity of our Province."

* The hon. Mr. P. T. RAJAN:—"Mr. President, Sir, I am glad that Mr. Wright supported this demand. At the same time he pointed out that having this demonstration at Palur which is six miles away from Nellikuppam will practically be useless. Government have pitched upon Palur for the simple reason that they have a farm there and are producing cane there and their idea is to convert it into sugar. Incidentally they would demonstrate to the farmers in the South Arcot district. They are not going to get cane from outside and crush it. This I am quite sure is not likely to compete with Parry & Co.'s mills. If as Mr. Wright pointed out the mills can command all the cane and can pay better price to the merchants, I am quite sure they need not have any fear to their business. When and if Government find that the demonstration conducted on the farm at Palur is not going to be useful, I dare say they will shift it to other place. If the demonstration will be better elsewhere, certainly Government will consider that. Coming to my friend Mr. Basheer Ahmed, he questioned as to the success of this proposal. Sir, as far as the Agricultural department is concerned it is not their business to manufacture anything on a large scale but they are leaving it to the Industries Department. The Industries Department are going to do it on a commercial scale. It may not be possible to achieve success immediately but in view of the fact that the Government of India have imposed tariff on foreign sugar it will anyhow help Indian industries in India. More about the commercial side of it my hon. Colleague will deal with. As pointed out by my friend, Mr. Ramalingam Chetti, in his able speech ours is only an experiment which I hope will be successful and if it is successful instead of having it in two farms or two centres alone we will have more centres elsewhere."

The demand was put and carried and the grant was made.

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GRANT XXV—INDUSTRIES—TRANSFERRED

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—“ I move— 12-30
*‘ that the Government be granted a further sum not exceeding p.m.
 Rs. 600.’*

“ This amount of Rs. 600 represents six token demands for purposes which have been mentioned in the list of supplementary demands which has been supplied to hon. Members of the House. The notes circulated explain in greater detail the purposes for which this demand is made. The Director of Industries and his department are engaged at present in stimulating popular interest in several rural industries which will be of help to the agriculturists of the country. These amounts are required mostly for such rural industries and the object of the Industries Department is to do propaganda work and demonstration for the purpose of popularizing them and I am sure work of this kind will receive the support of this hon. House and I therefore have great pleasure in moving that this demand be sanctioned by this House.”

* Mr. W. O. WRIGHT :—“ Mr. President, Sir, when it comes to a question of Government spending money on industries my friends and I in the European group of this House feel that, it is quite possible that in view of our interests in industries, our attitude may be mistaken when we oppose any grant. I do not want to oppose the grant which has been asked for now. But we on these benches do feel that we should be lacking in our duty to this House if we do not put forward for consideration of the departments concerned objections which we believe exist against any one of the purposes for which such grants are asked. On these grounds I will ask whether it is not possible for Government to reconsider the demand under (f). To start with, it does not appear to me that the information before the House is entirely accurate.

“ One of the reasons for which we are asked to provide for this tractor is that there are only two bone mills in this Presidency. That, Sir, is incorrect. There are fifteen bone mills in South India, and naturally these bone mills are situated in places where bones are largely obtainable. I am drawing attention however to this demand because I do not think that the proposal is a practicable one. To start with, we are told that the disintegrator will be attached to a crude-oil tractor only. It will be an itinerating unit consisting of a disintegrator mounted on a trolley and drawn by a crude-oil tractor. But from the small size of the demand we can only conclude that it is only a small disintegrator described in the trade as a No. 2 or 2½. That size, I may assure the hon. Minister in charge, is entirely unsuitable for crushing bones. If it is a small disintegrator and if it has to crush all sorts of bones of all sizes, the disintegrator is bound constantly to be choked. It would therefore be necessary to have some sort of machine, or to employ a large number of coolies to break up the bones before they are put into such a disintegrator, so that they may be turned into bone-meal. Even with the larger kind of disintegrator a machine is usually employed for

[Mr. W. O. Wright]

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breaking up or kibbling the bones before they are fed into the disintegrator. Even then only about 50 to 60 per cent of bone will be converted into bone-meal. The rest has to be crushed and recrushed, until the whole production is of a suitable size to be used as manure. I think the Agricultural Department has held in the past that bone-meal which would not pass through a one-thirty inch mesh is entirely unsuitable for farm manure. If this small disintegrator is used for producing bone-manure, it would have to go on crushing and recrushing the bones. But there is another and more serious objection. The smaller in size the disintegrator used in crushing the bones is, the larger the number of revolutions at which the machine would have to be run in order to get the bones crushed. As I said before, we do not know exactly what the size and description of this disintegrator which it is proposed to use. We have only to conclude that it will be a very small one, and it will be necessary to run it at 2,500 to 3,000 revolutions per minute. Such a disintegrator running at such a speed would not remain firmly attached with only a tractor as a foundation; it may work for two or three days, but certainly it will not work for any length of time. The result would be that the whole thing would be shaking so much, that nuts would probably fly off and possibly the whole machine be broken up. A scheme of producing bone-meal with such a small disintegrator is bound to fail. If the department persists in the scheme of a perambulating pulverizer I suggest that it will be only fair that the Government should take out an accident insurance policy for all those who are employed on the lorry. I would further suggest that the accident insurance policy should be extended to include third party risk, so that if in any village any unfortunate villager is injured by a nut or part of the machine hitting him in the eye or elsewhere in his anatomy Government will be able to compensate him and his dependants without coming to this House for yet one more supplementary grant." (Laughter.)

* Mr. K. A. NACHIYAPPA GOUNDER:—" Mr. President, Sir, I come forward to lend my warm support to the demand that has been moved. The token grant has been moved in order to improve the industries so as to be of much help to the rural population, and I would especially refer to item (c), viz., experiments for the evolution of hand-operated rice-husking, cotton ginning and groundnut decorticating machines. Such things will be of much use to the rural population, and I warmly welcome the proposal. In this connexion, I will make a request to the hon. Minister in charge to see that these things are made really useful to the ryots. Because, generally the demonstrations are not made in the interior rural areas. It is necessary that the rural population should have opportunities to see the things and derive benefit therefrom. I would therefore request the Minister to so arrange that every part of the country is benefited by giving demonstrations in each rural centre."

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I am thankful to the hon. Member representing the European group for the very good advice that he has given us on some technical matters. I have been told by the Director of Industries that before proposing the scheme

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he had consulted some of the firms who deal in machinery of the kind referred to in this item, and I am sure before he places the order he would see that sufficient guarantees are taken from the firms who offer the machinery for sale, that no such dangers as are apprehended by Mr. Wright happen. The Government certainly would not want to spend money on any dangerous or wasteful purposes. They will certainly see that the money is used to the best possible advantage. Mr. Wright corrected what he considered to be a misstatement in the explanatory note that there were not only two bone mills but that there were as many as fifteen. What really is intended to be said in the note is that there are only two large mills. There are probably several other smaller mills. But it is a fact that a large quantity of bone is still being exported by this country, and a large quantity is also being wasted without being used for the purpose of manure. The object of the present proposal is to convert these into the cheapest possible manure useful for agricultural purposes. I may assure the hon. Member, Mr. Wright, that his suggestions will be kept in view before the order is placed for the plant we intend to purchase."

Mr. A. RANGANATHA MUDALIYAR:—"The difficulties I anticipated when I spoke on the previous demand made by the hon. the Minister for Agriculture arise here also with greater force. In the note on page 29, it is said, 'two sets of centrifugals, each consisting of one 18-inch power-driven centrifugal, five boiling pans, shafting and other accessories.' My complaint has been that all the juice you get out of the continuous crushing cannot be absorbed in these five pans. You would have to double the number of pans or increase their capacity. Only then the furnace will deal satisfactorily with all the juice. Otherwise it will lead to a lot of waste of time, and the juice that is ready will be kept waiting for a long time without being boiled. Let us assume that x quantity of juice is extracted in one crushing, and the pans could take in only one-eighth of that quantity. In that case, the rest of the juice will be kept aside for a long time, as the juice in the pans takes some time for boiling before it is turned into rab. What are we to do? I would suggest for the consideration of the hon. Minister for Industries to see that the plant that they are going to erect will work economically.

"Again, Sir, I may say that many other things that seem to be necessary do not seem to have been included in the grant. What about the cost of the erection of the furnace, the chimney, etc.? All these things you cannot say do not go with the centrifugals. If the pans form part of the plant and its accessories, the other things should really be included to complete the outfit. Is it that what you have asked for now is not for the full equipment that is needed? I wish to know from the hon. Minister for Industries whether he has taken into account all these things and if he has not done so, whether at least now he will give an assurance that the other things also will be provided for.

"As regards the tractor that is going to be used to work the disintegrator to crush the bone, I wish to know whether it can be used

[Mr. A. Ranganatha Mudaliyar] [26th January 1933]

for other purposes when it is not being utilized for actually crushing the bone. That is also one piece of information that the hon. Minister might give us."

The demand was put and carried and the grant was made.

GRANT XXIX—CIVIL WORKS—WORKS—TRANSFERRED AND RESERVED.

* The hon. Mr. P. T. RAJAN:—"Sir, on the recommendation of His Excellency the Governor, I move—

'that the Government be granted a further sum not exceeding Rs. 200 under Grant XXIX—Civil Works—Works—Transferred and Reserved.'

"The explanatory note gives the details of the two items under this demand, viz., the electrification of the Central Jail, Coimbatore, and providing electric installations in Government residential buildings at Salem. In both the cases, it is proposed to start the work this year. Money for these can be found by reappropriation. The sanction of the Council is necessary for incurring the expenditure, and so the demand is placed before the Council. In view of the fact that the Government stand to gain by these two items, I hope the House will pass the grant."

The demand was put and carried and the grant was made.

GRANT XXXI—CIVIL WORKS—GRANTS-IN-AID—TRANSFERRED.

12-45 p.m. * The hon. the RAJA OF BOBBILI:—"Sir, on the recommendation of His Excellency the Governor, I beg to move—

'that the Government be granted a further sum not exceeding Rs. 5,21,800 under Grant XXXI—Civil works—Grants-in-aid—Transferred.'

"This sum is an aggregate of the provision made for six items. The first item is for a sum of Rs. 1,00,000 for the purpose of repairing the damage caused to trunk and second-class roads in the Vizagapatam district by the floods of 1931. Item 2 for Rs. 2,05,100 is for non-recurring grants to local bodies for roads and bridges. Item 3 is for Rs. 2,00,000 for grants to local bodies for the improvement of village communications. The next item is a token demand for grant to Nellore municipality for water-works improvements and the two remaining items are for grants to Bellary municipal council for water-supply scheme already taken on hand and the Virudhunagar municipality also for a similar purpose. All the details are given in the explanatory note circulated to hon. Members. If any further information is required under any of these items, I shall be very glad to supply."

* Mr. P. V. KRISHNAYYA CHODARI:—"Mr. President, under item (a) of this demand the Government propose to make grants to the extent of Rs. 1,00,000 to be spent on trunk roads. The village roads in panchayat and non-panchayat areas do not get similar decent grants.

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This year the Guntur district board was given about Rs. 5,000 for roads to be distributed to all the taluk boards in the district. It was a very meagre sum that each taluk board got, namely, about Rs. 600 each. This is such a small sum that it is not worth mentioning. I request the hon. Minister to give as large sums as possible for improvement of communications in panchayat and non-panchayat areas, particularly to Madhavaram where a bridge has to be constructed at a cost of Rs. 30,000. For the last two years the Government have not given any grant for this purpose. Although the inhabitants of the place are in a position to meet half the cost, the Government have not come forward with their half-grant. The absence of this bridge is causing inconvenience and hardship to the villagers. I therefore request the hon. Minister to give as large grants as possible for the improvement of village roads. In a second-class road in the Guntur district a bridge has been in a dangerous condition for the last two years and constables were posted near it to warn the public of the dangerous condition of the bridge by the District Superintendent of Police. Now, although the bridge is in the same dangerous condition, the constables who had been posted there have been withdrawn. I request the hon. Minister to give his personal attention to this matter and make some grants for the repair of the bridge between Bapatla and Guntur."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, if I rise to speak on this demand it is not to oppose it on the ground that it is not intended for a beneficial or useful purpose. I find that on the recommendation of the Retrenchment Committee, some drastic cuts were made in the estimates under civil works. I am afraid that recommendation will certainly be given the gobye if grants like this are made. It was thought that the current year and the coming years should be considered as lean years so far as progress with regard to civil works is concerned. It is only the other day that this Council passed a resolution that if there should be a surplus in the Budget, the agriculturist whose plight is very bad, should get relief. If you are going again and again to launch upon schemes for buildings, how can you be able to give relief to the agriculturists? If the House is going to be sincere with regard to the resolution they passed the other day, I would request them to carefully scrutinize these matters. As I said, it is not that I feel that the buildings referred to are not required. The question is whether we can afford the money this year. Cannot these grants wait for another year? Is it not better to wait till things improve and till we have given relief to people who require immediate relief? I realize, Sir, that if you are going to give effect to the resolution that we passed the other day that about 12½ per cent remission should be given in land assessment in this Presidency and if you also want, as far as possible, to give relief to the Government servants, the restoration of the cut in whose pay is also under consideration, we cannot, at the same time, think of spending our money on buildings and things of that kind. Therefore, Sir, I would like to have more information than is found in the note."

* The hon. the RAJA OF BOBBILI:—"May I bring to the notice of the hon. Member that no buildings are included in this demand? This

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demand is for grants for urgent works on roads and bridges under Grant XXXI—Civil Works."

Mr. T. S. RAMASWAMI AYYAR:—"I am sorry. I was thinking that we are discussing Grant XXVII."

* The hon. the PRESIDENT:—"We are considering Grant XXXI—Item No. (9)."

Mr. T. S. RAMASWAMI AYYAR:—"Even then, Sir, although my remarks do not apply with equal force to this demand (Grant XXXI) I would ask the House to consider whether we could not delay progress on the trunk and second-class roads till better times come."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, I have given notice of a token cut to reduce the grant by Rs. 100 to ascertain from the Government their proposals for making further grants for the maintenance of village communications. In the note furnished to us I find that there was a demand for Rs. 9·70 lakhs for village communications from the local boards, but that, due to the financial stringency, the Government have been able to recommend only Rs. 2 lakhs. Sir, on account of motor transport there is a great demand for greater facilities for village communications. In such a circumstance, it seems to me that the sum now allotted is very small. Generally these sums are spent for opening village communications anew. But then, unless there is a recurring grant made by Government for their annual maintenance, the money spent on the construction of new roads will not be of any use to the poor ryots. In my own district I know that several members have been urging on the President and on the authorities concerned to give larger amounts for annual maintenance; because, without that, the mere opening of village communications will be of little value. I would like to know from the Government, therefore, whether they are making provision for recurring grants for the maintenance of village communications."

* The hon. the RAJA OF BOBBILI:—"Mr. Krishnayya Choudhari mentioned certain urgent works which are awaiting completion in Guntur district. I may inform him that these grants are only for urgent works which are almost completed and for urgent repair of damages caused by floods of 1931. I may inform him that when we consider the provision for roads and bridges for local bodies next year, his request will receive attention."

"My hon. Friend Mr. Ramaswami Ayyar began his criticism believing that this demand related to buildings and concluded by saying that his remarks applied to this grant as well. I may mention to him that a sum of Rs. 1,00,000 out of this demand is for expenditure on urgent repairs and damages caused by the cyclone at Vizagapatam which cannot wait till better times come. As regards the other items also I may say that most of the money goes for urgent repairs on roads. I am afraid they cannot also wait. If the annual repairs and maintenance of roads are postponed year after year, the ultimate cost to the Government would be excessive."

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“As regards the point raised by Mr. Muniswami Pillai that the grant of two lakhs for village communications in local bodies should be available for maintenance of roads, I may point out that, under the rules, these grants are intended for capital works for the laying out of new roads. The local bodies are expected to find the necessary funds for maintaining them. With these words I commend this demand for the acceptance of the House.”

The demand was put and carried and the grant was made.

GRANT XXXIV—STATIONERY AND PRINTING—RESERVED
AND TRANSFERRED.

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—“Sir, on the recommendation of His Excellency the Governor, I move—

‘that the Government be granted a further sum not exceeding 1 p.m. Rs. 21,000 under Grant XXXIV—Stationery and Printing—Reserved and Transferred.’

“In the explanatory note distributed to the hon. Members the need for this expenditure is fully explained. The amount that the Council is now requested to grant is necessary for the purpose of replacing old machinery that has practically become useless.”

The demand was put and carried and the grant was made.

* The hon. the PRESIDENT:—“We will now take up item VI in yesterday’s agenda.”

III.—EXCESS DEMANDS FOR GRANTS FOR 1929-30.

* The hon. Mr. H. G. STOKES:—“I beg to move—

‘1. that an additional sum not exceeding Rs. 3,658 be granted under Grant XII—General Administration—Miscellaneous, to make good the excess expenditure incurred in the year 1929-30.

‘2. that an additional sum not exceeding Rs. 6,851 be granted under Grant XIII—General Administration—Miscellaneous and Civil Secretariats, to make good the excess expenditure incurred in the year 1929-30.

‘3. that an additional sum not exceeding Rs. 46,773 be granted under Grant XVI—Police, to make good the excess expenditure incurred in the year 1929-30.

‘4. that an additional sum not exceeding Rs. 1,882 be granted under Grant XXVI—Cinchona, to make good the excess expenditure incurred in the year 1929-30.

5. that an additional sum not exceeding Rs. 6,307 be granted under Grant XXXIII—Stationery and Printing—Reserved, to make good the excess expenditure incurred in the year 1929-30.

6. that an additional sum not exceeding Rs. 8,672 be granted under Grant XXXIV—Stationery—Transferred, to make good the excess expenditure incurred in the year 1929-30.’

[Mr. H. G. Stokes] [26th January 1933]

" Sir, these excess demands are items relating to the year 1929-30 which require to be regularized by a vote of the House. The circumstances under which these excess demands are asked for are explained in the note which has already been circulated to hon. Members. Possibly some hon. Member may enquire why there has been such a long delay in submitting these excess demands to the House. If I remember rightly the trouble has been that although these demands were tabled on more than one occasion, the pressure of other business of the House prevented this matter being taken up into consideration."

The demands were put and carried and the grants were made.

IV.—A BILL FURTHER TO AMEND THE MADRAS DISTRICT MUNICIPALITIES AND LOCAL BOARDS (AMENDMENT) ACT, 1921, FOR CERTAIN PURPOSES (BILL No. 27 OF 1932).

* The hon. the RAJA OF BOBBILI:—" I beg to introduce the Bill * further to amend the Madras District Municipalities and Local Boards (Amendment) Act, 1921, for certain purposes (Bill No. 27 of 1932) and move—

' that the Bill be taken into consideration at once.'

" The main object of the Bill is to remove doubts regarding the interpretation of sub-section (ii) of section 2 and also sub-section (ii) of section 4 as to the time within which members of municipal councils and local boards may make their oaths or affirmation. The intention of this amending Bill is to permit a person to take the oath of allegiance as soon as he takes up the office of membership or in any one of the three meetings whichever is later which he may attend. By amending this section it is also intended to provide for a tribunal for the decision of disputes as to whether or not a person has vacated his office as a member under sub-section (ii) of section 2 or sub-section (ii) of section 4."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I second it."

The motion was put and carried and the Bill was taken into consideration.

Clause 1.

The hon. the RAJA OF BOBBILI:—" I beg to move—

' that in sub-section (1) of clause 1 for figures " 1932 " the figures " 1933 " be substituted '."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I second it."

The amendment was put and carried.

Clause 1, as amended, and clauses 2, 3 and 4 were put and carried.

Clause 5.

The hon. the RAJA OF BOBBILI:—" Sir, I beg to move—

' that in line 3 of item (i) of clause 5, for the words ' and figures,' substitute the words ' and figure '."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I second it."

The amendment was carried.

A BILL FURTHER TO AMEND THE MADRAS DISTRICT MUNICIPALITIES 417
AND LOCAL BOARDS (AMENDMENT) ACT, 1921

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Clause 5, as amended, was put and carried.

Clause 6 was put and carried.

The Preamble was put and carried.

The hon. the RAJA OF BOBBILI:—" I beg to move—

' that the Bill as amended, be passed into law '."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I second it."

The motion was put and carried and the Bill was passed into law.

V.—THE OPIUM ACT (MADRAS AMENDMENT) BILL (BILL
No. 28 OF 1932).

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I beg to introduce the Opium Act (Madras Amendment) Bill ^a (Bill No. 28 of 1932) and move—

' that the Bill be referred to a Select Committee consisting of the following Members:—

- 1 Mr. V. T. Arasu,
- 2 ,, K. A. Nachiyappa Gounder,
- 3 ,, U. C. Subrahmanya Bhatt,
- 4 Khan Bahadur Mahmud Schamnad Sahib Bahadur,
- 5 Mr. G. R. Premayya,
- 6 ,, G. Sriramulu,
- 7 ,, J. A. Thorne,
- 8 S. M. K. Beyabani Sahib Bahadur,
- 9 Rao Sahib P. Subrahmanyam Chetti,
- 10 Mr. P. Kesava Ramamurti Nayudu,
- 11 ,, T. Narasa Reddi,
- 12 Rao Sahib P. V. Rajagopala Pillai,
- 13 Rao Bahadur C. Natesa Mudaliyar,
- 14 Mr. W. O. Wright,
- 15 ,, A. Ranganatha Mudaliyar, and
- 16 The Mover (Mr. S. Kumaraswami Reddiyar) '."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—" I second it."

The motion was put and carried and the Bill was referred to the Select Committee as mentioned above.

After Lunch—(2-30 p.m.)

VI.—ELECTION OF A MEMBER TO THE FINANCE COMMITTEE.

* The hon. the PRESIDENT:—" I have to announce to the House that Mr. W. O. Wright being the only candidate nominated for election of a member to the Finance Committee, he has been declared duly elected."

^a Published in the Fort St. George Gazette, dated 25th October 1932.

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VII.—REPORT OF THE PUBLIC ACCOUNTS COMMITTEE FOR 1929-30.

* The hon. Mr. H. G. STOKES :—“ Sir, I beg to move—

‘ that the Report of the Public Accounts Committee on the Appropriation Accounts of the Province and the report of the Audit Officer thereon, for the year 1929-30, be taken into consideration ’.”

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—“ I second it.”

The motion was put and carried.

VIII.—THE BHAVANI RESERVOIR IRRIGATION CESS BILL
(BILL No. 4 OF 1933).

* The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR :—“ Sir, I introduce the Bhavani Reservoir Irrigation Cess Bill ^a and move—

‘ that the Bill be referred to a Select Committee consisting of the following Members :—

- 1 The Advocate-General,
- 2 Mr. J. A. Thorne,
- 3 Diwan Bahadur C. S. Ratnasabhapatil Mudaliyar,
- 4 Rao Bahadur T. A. Ramalingam Chettiyar,
- 5 Mr. M. S. Sreshta,
- 6 „ Basheer Ahmed Sayeed,
- 7 The Pattagar of Palayakottai,
- 8 Dr. P. Subbarayan,
- 9 Mr. F. J. Stanes,
- 10 Diwan Bahadur R. N. Arogyaswami Mudaliyar,
- 11 Diwan Bahadur M. Gopalaswami Mudaliyar,
- 12 Rao Bahadur C. Natesa Mudaliyar,
- 13 Sriman M. G. Patnaik Mahasayo,
- 14 The Kumararaja of Venkatagiri,
- 15 Diwan Bahadur S. Ellappa Chettiyar, and
- 16 The hon. Sir Archibald Campbell’.”

Mr. M. A. MUTHIAH CHETTIYAR :—“ I second it.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR :—“ Sir, I am not opposing the motion of my hon. Friend. It was contemplated that first of all a survey of the land that could be brought under irrigation by this project should be made and the consent of the owners of those lands to include their lands under the scheme should be obtained. It is only then that we can insist on the owners of the lands taking the water from the project and not allow them to refuse water in any year. Of course the ryots concerned have agreed to take the water and it is only on that understanding that this Bill has been brought forward. But in the present Bill there is no reference whatever to such a consent.

“ Secondly, it was understood that the Government will not make any profit out of this scheme and that the rate of cess to be levied on lands brought under irrigation by this project will be just enough to cover the cost of the scheme. That again, is a point not referred to in the Bill. I

^a Published in the Fort St. George Gazette, dated 24th January 1933.

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hope that the Government have not gone back on their promise in this connexion and that necessary alterations will be made in the Bill in the Select Committee stage. It is only on that assumption I give my support to the Bill. If I am wrong in my assumptions, I am afraid the people concerned may not agree to the Bill."

* The hon. Sir ARCHIBALD CAMPBELL:—"Mr. President, Sir, I should like to say a few words as regards the two points raised by my hon. friend. We have already appointed a staff to take statements from individual ryots as to whether they agree to have their lands included in this project and irrigated by water supplied by this project, subject to the prescribed conditions. Such statements are being taken from the ryots in a form we have prescribed. We are proceeding with this Bill on the assumption that the ryots will, on the whole, agree, as they said they would at the conference at Gobichettipalaiyam in September last when the hon. Member was also present.

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"As regards the second point, it is certainly not the intention of the Government to make any profit out of this particular scheme. As is usual, the Government will decide what rate should be charged from time to time. We do not propose to put conditions governing the rate in the Act as it might lead to civil suits challenging the rates charged. The accounts regarding these works are always published for the information of the Members of the Legislative Council and it will be open to any member to draw attention to the fact if cess is levied at an excessive rate."

The motion was put and carried.

IX.—A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT
(BILL No. 9 OF 1932).

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Mr. President, Sir, I beg to present the Report* of the Select Committee on the Bill to amend the Madras District Municipalities Act (Bill No. 9 of 1932) and move—

'that the Bill, as approved by the Select Committee, be taken into consideration.'"

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

Mr. SAMI VENKATACHALAM CHETTI:—"Sir, I take it that this Bill relates to no-confidence motions. In the absence of the hon. the Chief Minister, I am unable to identify the particular Bill which the hon. the Minister for Excise is moving on his behalf. May I ask if the hon. Minister feels it necessary to proceed with this Bill after the Bill that was passed the other day, regarding the appointment of executive officers for the municipalities? I thought that the necessity for this Bill arose from the fact that these chairmen and presidents enjoyed very large powers and that these no-confidence motions were in plenty. But now most of these powers have been taken away and entrusted to the commissioner, may I know if it is very necessary that this Bill should be proceeded with?"

* Printed as Appendix IV on pages 452-460 infra.

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* Mr. G. LAKSHMANA REDDI :—“ Sir, only a few municipalities come under the provisions of the Bill that was passed the other day. There are many more municipalities which do not come within the provisions of that Bill. Therefore there is still necessity for a Bill of this kind.”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—“ Sir, I do not think that the fact that the previous Bill has been passed, has obviated the necessity for a measure of this kind. As my hon. Friend, Mr. Lakshmana Reddi has pointed out, only very few municipalities come under the provisions of the previous Bill and there is still necessity for enacting a Bill of this kind.”

The motion was put and carried.

Clause 1.

Clause 1 with the alteration of “ (Amendment) Act, 1932 ” into “ (Second Amendment) Act, 1933 ” was put and carried.

Clause 2.

Mr. K. R. VENKATARAMA AYYAR :—“ Mr. President, Sir, I move that—

“ In line 2 of clause (12) of the proposed section 40-A the word “ two-thirds ” be substituted for the word “ three-fifths ” .”

“ The hon. Members will find at page 5 ‘ if the motion is carried with the support of not less than three-fifths of the sanctioned strength of the Council, the Local Government shall, by notification, remove the chairman or vice-chairman as the case may be.’ I propose that instead of three-fifths we will have two-thirds. The hon. Minister says that, as the Bill drafted by the Select Committee proposes three-fifths, I would prefer two-thirds, merely for the pleasure of tinkering with the proposal in the Bill. I am doing it the other way. I think I have a far more serious purpose than that. I think that no-confidence motions must be understood as in the nature of a drastic step and that effect should not be given to no-confidence motions upon a slight preponderance of strength on that motion but only upon a substantial preponderance of the voting strength of the Council. I think, Sir, due regard being had to the experience of the working of the various municipal councils or local boards, remembering how almost on the morrow of the election of chairman or president the defeated candidate starts on an electioneering campaign taking over to his side the voters on whose votes the successful candidate defeated him, it seems to me that the majority on the strength of which no-confidence motions should prevail, should be a substantial majority. If one were in a position to take an absolutely detached view on such a point, one would probably be justified in going so far as to insist upon a three-fourths majority. But in these days where we hear on all sides so much about democracy and the true implications of democracy, I do not want to put the majority in favour of a no-confidence motion so high as three-fourths. I wish to submit that it would be a

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golden mean to have two-thirds instead of three-fifths. I believe that the hon. the Minister for Excise will now see that his is not so frolicsome an amendment as he imagined it at first sight to be."

* Mr. T. C. SRINIVASA AYYANGAR:—"Sir, I second the motion. I think it is absolutely essential if the object of the Bill should be properly attained, to retain the kind of majority which even the original Act demanded. In the proposed Bill 'three-fifths' is put in. I think that 'two-thirds' is slightly higher than 'three-fifths'."

Rao Bahadur A. T. PANNIRSELVAM:—"Sir, I oppose the amendment. In the Select Committee we went into the question carefully. 'Two-thirds' suggested by the hon. Mover of this amendment had also its due consideration just as some proposals that a bare majority ought to suffice. On a consideration of all these various proposals that were suggested, the Committee ultimately arrived at 'three-fifths' as a practicable and workable solution. After all, the difference between two-thirds and three-fifths is only one-fifteenth and I do not think that democracy which we are so glad to drag in on every conceivable occasion is going to be very much insulted by this difference of one-fifteenth. If we go into the history of the various no-confidence motions, we would realize what would be the outcome of these motions, what would be the deadlocks that would ensue under the old Act, when even a bare majority was opposed to the chairman. Just a little over 50 per cent being in opposition to the chairman were able to bring the administration on several occasions to absolute standstill. We have heard of cases where by a majority of 16 against 15, budgets of local bodies were not passed in time, and the administration reports reached the Government over 12 months after the due time. It was the consideration of this fact that just a bare majority was able to almost cripple the administration and to tie hand and foot the chairman, that first induced this Council to accept this Bill regarding no-confidence in persons in charge of the administration. Under the provisions of the existing Act even a bare majority would suffice to create deadlocks provided that majority continued for two successive months.

"If a chairman is not able to command the confidence of at least three-fifths of the Council, we shall have repeated the whole story of the administration coming to a standstill. I might also state that the passing of the Bill authorizing the appointment of the commissioners does not embolden me at any rate to think that no-confidence motions will not be resorted to or will become unnecessary in future. I should personally think that any chairman who finds that he is not able to command the confidence of at least 50 per cent, ought, in the interests of the body over which he presides, to tender his resignation. But if any chairman realizing that more than 50 per cent are against him, is not agreeable to tendering his resignation, even a small fraction above the 50 per cent should be sufficient to coerce him to resign his office. Therefore, I think it would be undesirable to go on increasing the proportion in order to force the hands of the presiding officer. On these considerations, Sir, I support the three-fifths as against the two-thirds suggested by the mover of the amendment."

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Rao Bahadur P. C. MUTHU CHETTIYAR:—“40 எ, & 44 செக்ஷன்களில் திருத்தத்தைப்பற்றி புறவும் ஆசைபடுகிறேன். பொதுவாக இந்த செக்ஷனானது ஒரு பெரிய அளவையை குறிக்கப்படுகையது. இந்த செக்ஷன் ஏற்படுவதால் ஆளவையை சரியாக நடத்துமென்று முடிப்பது கொஞ்சமும் சரியில்லை. அதிக பணங்களை சிலவு செய்வதற்கும், சமாதான குறைவு உண்டுபண்ணுவதற்கும் இது ஒரு ஆஸ்பதமாகும். இந்த விஷயத்தில் அப்பாவத்தைப்போலவத்து இந்த செக்ஷன் அவசியமானவையையையற்றி யோசிக்கவேண்டியிருக்கிறது. டேடி சரியாய் நடப்பதில் சட்டமே ஒரு பெரிய பாதுகாப்பாயிருக்கிறது. அன்னியில் ஒவ்வொரு பிறகுத தலைப்புகளும் அதற்கு தனித்தனியே தக்க அதிகாரத்தோடு கவர்னமெனடார் நியமித்திருக்கிறார்கள். இதுவன்றி முனிசிபாலிட்டிக்கு கமிஷனரும் புதிதாக ஏற்பாடாகிறது. ஒருவரை நம்பிக்கையுடன் எல்கு செய்த பிறகு அவர் பிடுவரை இம்மாதிரி தீர்மானம் கொண்டுவரக்கூடாதென்று செக்ஷன் 40 எயும், 44யும் எடுத்துவிடவேண்டும்.

“தாலுகா போர்டுமென்றும் வாசகத்தை உபயோகப்படுத்தக்கூடாது. எனென்றால் யூனியன் பஞ்சாயத்து போர்டுகளுக்கு அதிக சுதந்திரங்களும் பண வரவு சிலவில் பிரிவினங்களும், அவைகளுக்கு பிரித்து கொடுப்பதும் யெற்படாவிட்டால் தாலுகா போர்டும் முன்போலவே இல்லாமல் சின்ன போர்டாக ஏற்பட்டு விட்டதால் அந்த வாசகத்தை யெடுத்துவிடவேண்டும். இந்த அபிப்பிராயம் வெகு வாய் ஜனங்கள் அபிப்பிராயத்துக்கும் பொருத்தமாகவேயிருக்கும். ஆனரபில் மீனிஸ்டர் கொள்கை எப்படியிருப்பினும் என் அனுபவ அபிப்பிராயத்தை தெரிவிக்கவேண்டியிருக்கிறது.

“இந்த மசோதா நிறைவேறு அனுமதித்திருப்பதில் 3/5 பங்கு மெஜாரிட்டி யென்பது சரியல்ல. 3/5 பங்குமென்பது எந்த அனுபவத்தில் எந்தவிதமான சாலதிமுறையில் வந்ததென்பதற்கு யாதொரு காரணமும் தெரியவில்லை. மனப்பான்மைக்கு தக்கப்படி ஒரு எண்ணிக்கையை குறிக்கப்பட்டிருக்கிறது. இந்த செக்ஷன்கள் ஆக்டில் சம்பத்தில் ஏற்பட்டிருக்கிறது. அது முதல் இது வரை அக்ஷடைய பிரயோஜனம் இந்த பிரிவின் பிறுவினஸுக்கு யிருந்ததாக தெரியவில்லை. வினா பயமுறுத்தலுக்கு ஒரு ஆஸ்பதமாகயிருக்கிறது. ஆகையால் 2/3 பங்காவது மெஜாரிட்டியிருக்கவேண்டும்.”

* **Mr. E. CONRAN SMITH:**—“Sir, I understood the hon. Member from Madura to say that the change contemplated by this amendment is so small that the Government cannot have any objection to accepting it. If that is so, I suggest that for the same reason this House should be pleased to accept the decision of the Select Committee. Those who sat on the Select Committee know in what abstruse mathematical calculations we indulged in deciding this knotty problem; and eventually we decided, by a majority, that three-fifths should be recommended. That being the case, I do not think there is any very strong reason favouring the acceptance of the amendment. I would request the Council to stand by the decision of its Select Committee.”

* **The hon. the PRESIDENT:**—“The question is—

‘In line 2 of clause (12) of the proposed section 40-A, substitute the word “two-thirds” for the word “three-fifths”.’”

The amendment was negatived.

Mr. K. R. VENKATARAMA AYYAR:—“I move that—

‘In line 2 of clause (14) of the proposed section 40-A, substitute the word “twelve” for the word “six”.’”

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“ The clause will then read :

‘ No notice of a motion under this section shall be received within twelve months of the assumption of office by a chairman or vice-chairman as the case may be.’

“ Sir, I think that twelve months is a more reasonable period after the election of a member as chairman or vice-chairman at the end of which sufficient materials would be available in connexion with the administration on the strength of which a motion of no-confidence could be tabled. If, on the other hand, it should be open under the law, to move no-confidence motions against a newly elected chairman or vice-chairman as early as after six months of assumption of office, I think it would be more or less in the nature of a prearranged pact against him, without any openness of mind, which would be an index of the *bona fides* and without which such motions would not have any value at all in the eye of the public at large. For this reason, Sir, especially remembering, as we cannot but, the recent experience in the case of the Madura District Board which assumed proportions of a grave public scandal, it is but right that this House should agree that a period of twelve months after assumption of office by a chairman or vice-chairman is a reasonable minimum period, before the expiry of which it should not be open for any member of the Council to table a motion of no-confidence against a chairman or vice-chairman.”

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—“ In seconding this amendment, I have only to point out that when the election is held and the chairman is elected, it shows that a majority of the members have got confidence in the chairman who is elected. After his election, a reasonable time has to be allowed to him to carry out any policy which he might have chalked out before his election. Very often, Sir, matters unconnected with municipal administration or matters in which personal elements had played a part, had turned certain councillors against the chairman whom they elected; and in such cases, it was not due to any shortcoming of the municipal chairman in the course of the administration that they so turned against him. Such has been the unhappy state of affairs in certain municipalities of our Province, and it is only fair that a reasonable period should be allowed to the chairman to carry out his policy. You should not send him out soon after he is elected, especially when he has not done anything against the interests of the municipal administration. It is well-known, Sir, that a period of six months is not always sufficient for putting into effect any policy which a chairman has laid down before his election; for instance, suppose any important proposal that he makes is to be sent to a Committee, it will have to come back to the Council again, or it may have to be scrutinized very carefully, and that might take some considerable time. After all, twelve months is not a very long period; and within that period we may know what sort of man a chairman is and how he discharges his duties. It would be only fair to the member who is elected as chairman and to those who elected him to allow this period. It is in that view, Sir, that I second this amendment, and I hope the hon. Mr. Conran Smith will accept it. It seems to me that this amendment is really necessary for

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the proper administration of the municipalities. It is not as if this is a matter of party politics where one party in this House may support the retention of six months while the others may vote for twelve months. This is purely a question of giving a fair chance to the newly elected chairman or vice-chairman to carry out his policy, in order to find out whether he is capable of discharging his duties well. I do think, Sir, that if this amendment is not accepted, the unsatisfactory state of affairs which we already find in certain municipalities will probably continue. I therefore second the amendment moved by my hon. Friend."

3-15 p.m. Rao Bahadur A. T. PANNIRSELVAM:—"Mr. President, Sir, I do not think there is any real cause for the extension of the period arrived at by the Select Committee. In my opinion the period of six months is sufficient to enable chairmen of the municipal councils to carry on the administration in spite of the fact that they have lost the confidence of the majority of the particular body concerned. Though it is put down as six months, in effect, before the resolution is carried, and the chairman is asked to resign or forced to resign, seven months will have elapsed. Because what this sub-section says is that no notice of motion shall be given within six months after the assumption of office by the chairman. So by the time notice of this motion is given and before it comes for discussion a month would have passed after the six months. And if at the end of the seven months it is found that a chairman is not able to command the confidence of anything more than two-fifths of the council, or rather, if it is found that three-fifths is definitely opposed to him, even at the end of the seventh month, is it the idea of the Opposition that that chairman should be allowed to be in charge of the affairs of the local body concerned for five months more? Is it the idea of the Opposition that a five months' period is not sufficient, with a majority in Opposition to the chairman, to bring the whole administration to a standstill? I should think, therefore, Mr. President, that the time fixed by the Select Committee is sufficient for any chairman, either to win the confidence of those who did not vote for him or to lose the confidence of those who voted for him at the time of his election to office. So to extend this time would be only to encourage mal-administration, or at least to encourage the administration being brought to a standstill."

* Mr. E. CONRAN SMITH:—"Mr. President, Sir, after listening to the arguments put forward for and against the motion I feel that there are many here in the house, who favour the motion. I shall not be divulging a secret when I say that in the Select Committee I gave it as my opinion that the whole clause should be deleted. The Select Committee, however, was in favour of retaining the clause, and I think, if it is to be retained, you should not emasculate it further. The hon. Member for Madura summarized the position very succinctly when he said that chairmen now in office favour twelve months—aspirants to that office consider the period should be six months. That probably represents the cleavage of the opinion which we shall find in this House. But in view of the decision of the Select Committee to retain the no-confidence clause, I think it is not desirable to extend the period.

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I would therefore advocate the retention of the Select Committee's recommendation of six months. Personally I do not think any very great harm would be done if we fixed the period at twelve months. But as the Select Committee has fixed the period at six months, the House should, I think, accept its recommendation in the absence of strong reasons to the contrary."

Sriman M. G. PATNAIK Mahasaya:—"Sir, we have just listened to the view of the Government on this matter. Mr. Conran Smith thinks that even if the period is extended to twelve months there would not be any harm; and so I feel the House should accept the amendment. The point is this: if a man gets into office, will it be possible for him to acquire experience in so short a time? As is well known, there are cliques, and supposing the opposing party gets a majority, it can turn him out in no time. Therefore this thing should be borne in mind, in the interest of administration being steady for some time at least. There is also the other side, namely, that the elected chairman by fair means or foul, may secure a majority and he may maladminister. But as the Government themselves think that no harm could be done by the extension of the period to twelve months, I think the amendment should be accepted, so that the administration may not be disturbed in so short a time as six months. Therefore I feel the motion is a very very sensible and wise one to be accepted."

Mr. K. R. VENKATARAMA AYYAR:—"Sir, in respect of this amendment as well as the previous one, what has been brought up, almost as if it was as impregnable and impervious as a stone wall, is the finality of conclusion reached by the Select Committee. I do not think, that in a matter of this kind, the House should, in every instance, be asked to accept the conclusion of the Select Committee. It is not the last word, and so this House has every right to go into the details of the measure before it fixes up the measure in a final form. In this instance we see that there were 15 members on the Select Committee: three of whom have attached minutes of dissent, and which minutes of dissent are against the idea of six months. Mr. Simhachalam Pantulu proposes in his dissenting minute that the period should be at least one year; Mr. Bhanoji Rao does not relish the idea of a motion of this kind except once during the whole tenure of office of the chairman or vice-chairman; and Mr. T. S. Ramaswami Ayyar is evidently, as Mr. Conran Smith felt, entirely in favour of the deletion of the whole provision of no-confidence motion. In these circumstances, whether you pay regard to the views of members on one side or the other side, irrespective of the fact whether you happen to sit on the Treasury Bench or opposite, there is such a divergence of opinion in regard to this topic that the present is probably an instance, in reference to which, the stone wall of the Select Committee's decision should not be put up as an absolute block. I think regard being had to the view so frankly expressed by no less a person than that experienced and able officer, Mr. Conran Smith, that 'twelve months' is an amendment, which would certainly not do any harm, and considering that it is common fairness and is in accord with reason, that a new chairman or vice-chairman should be

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given something like a reasonable period, within which to get into grips, within which you can, with some justification, attribute to him actual scope for decision, I think, regard being had to all these considerations, this is an amendment, in respect of which I can justly ask for the co-operation of the Treasury Bench and the occupants of the benches behind; because, if we co-operated over such a reasonable point, probably there would be satisfaction in the country, which is behind us, that we are not after all merely for opposition's sake opposing each other, but that when the need of a particular amendment for a provision of law requires co-operation we are not so absolutely partisan as to refuse mutual co-operation."

3.30
p.m.

Rao Sahib V. I. MUNISWAMI PILLAI:—"Mr. President, Sir, I rise to oppose the amendment moved by my hon. Friend, Mr. Venkatarama Ayyar, not for the reason that we are sitting behind the Treasury Benches but in view of the fact that we have been able to pass a Bill for appointing commissioners whereby the future chairmen need not worry themselves for a long period to know in detail the affairs of a municipality. I think, Sir, only intelligent people who are conversant with matters municipal will care to take up the office of chairman and such people, I think, will be able to understand the affairs of the municipality in a very short time. So, in my view, a period of six months is enough."

The amendment was put and lost.

Mr. K. R. VENKATARAMA AYYAR:—"Sir, I move—

that the following be inserted as sub-section (15) of the proposed section 40-A—

'No motion under this section shall be debated or voted upon unless in terms the notice of motion mentions the administrative act or acts or policy of the chairman or vice-chairman by reason whereof the motion is made.'

"Sir, I beg of this House to extend its sympathetic consideration to the principle underlying this amendment and I implore them to support it particularly because on the two previous amendments a conclusion has been reached which renders absolutely necessary that this amendment should be supported. We have carried the provision that three-fifths majority will do to turn out a chairman or vice-chairman from office. We have carried a provision that within six months from the assumption of office a no-confidence motion may be tabled. It behoves us therefore to see to it that a motion of no-confidence shall not be tabled merely on the freakish will of a mechanical majority but upon some well-grounded reason. If mere numbers are made the test for the success or the failure of a no-confidence motion regardless of the merits or the demerits or the reasons for which such a motion is sought to be carried, I think we will be aiding, by allowing such a provision to be the law of the land, the demoralization of democracy. True democracy is not satisfied by mere numbers. The assumption is that within a certain number of people whose opinions should count, the opinion of a majority of them is likely to be fair and reasonable. And such an assumption ought to stand the test of being examined and demonstrated.

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Therefore the mere requisite that a motion should not be tabled which does not state the grounds of the motion is nothing but reasonable. It ought not to do for instance for those who are supporting such a motion to assume an arbitrary attitude by saying 'Here we are, the requisite majority. However, unfair our conclusion may be, we want to carry out our will.' I do not think any friends of democracy, however numerous, ought to be permitted to assume such an unreasonable, mechanical attitude. I do not think it is putting any unfair or improper strain on those who lend their support to such a motion, to be subjected to the condition that their notice of motion should mention the administrative act or acts or policy by reason whereof they intend to make the motion. That is a very fair condition, a reasonable condition, and a condition which will serve, if anything, to justify the move of the authors of the motion. Then they will be able to take their stand not merely upon the strength of numbers, but upon the solid and substantial justification which is the ground for their banding themselves together in such large numbers. I think it will give them an opportunity to justify their motion rather than stultifying them or defeating their motion. Therefore, they ought to welcome such a provision of law, because it helps them to place them right before the public. For these reasons I very strongly urge for the favourable consideration by the House of this particular amendment, especially as the House has had its way in respect of the two previous amendments which render this absolutely obligatory."

Rao Bahadur P. C. MUTHU CHETTIYAR seconded the amendment in a Tamil speech:—

“நம்பிக்கையில்லாத தீர்மானத்திற்கு ஆறு மாத டயம் கொடுத்திருப்பது ஆகேற்பிக்கத்தக்கது. நம்பிக்கையில்லா தீர்மானம் நிறைவேற்ற ஆறு மாத டயம் கொடுத்திருப்பதற்கு என்ன ஆதாரம்? கிரமமாக ஒரு அட்மினிஸ்டிரேஷன் ரிப்போர்ட்டுக்குரிய டயம் ஒரு வருஷம் அல்லவா; ஒருவர் அவருடைய ஆளுகையை இப்போதிருக்கிற நிலைமையில் ஆபீஸின் தன்மையை எதார்த்தமாக அறிந்துகொள்வதற்கும் ஆறு மாதம் ஆகு மாதலால் ஆறு மாதம்தான் பதகுதை உத்தேசித்து ஏற்பட்டதென்பதைப்பற்றி ஆச்சரியமாகயிருக்கிறது. ஒரு கற்பவாஸம்சுட ஆறுமாதமில்லையே. ஆளுகை சரியாய் நடத்தவும் முடியாது, நடைபெறவும் முடியாது. சதாவாக இதை வெளியாக காட்டுவதற்கு ஆஸ்பதமாகும். ஆகையால் ஒரு வருஷமாவது கொடுப்பது பொருத்தமாகவும் நியாயமாகவுமிருக்கிறது யென்று நினைக்கிறேன்.

“நம்பிக்கையில்லா தீர்மானம் கொண்டு வர முதல் முதலில் காரணம் கண்டு பெர்மிஷன் வாங்கவேண்டும் அதன்பேரில் அந்த தீர்மானம் கொண்டு வரவேண்டும் என்று திருத்தவேண்டுமாய் கேட்டுக் கொள்கிறேன்.”

* Mr. E. CONRAN SMITH:—“I am sorry, Sir, that I can, in this case neither accept Mr. Venkatarama Ayyar's amendment, nor am I specially impressed by the financial considerations advanced by the hon. Member who seconded it. I think that the reason for not accepting this amendment can be expressed very briefly in this way, that to do as Mr. Venkatarama Ayyar wants us to do would merely be prolonging the agony and may lead to unseemly debates. After all, I think Mr. Venkatarama Ayyar will himself agree that the chief point at issue will be whether the chairman has or has not the support of the majority

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and a long and possibly undignified debate on the acts of administration or maladministration will not materially help either him (chairman) or the Opposition. I think therefore that the House may well accept the provision in the Bill for the reason I have stated."

The amendment was put and lost.

* The hon. the PRESIDENT:—"The question is—
'that clause 2 be added to the Bill'."

Mr. T. S. RAMASWAMI AYYAR:—"Mr. President, Sir, if I rise at this late stage to oppose the passing of this clause 40-A, it is for this reason. As was remarked by one or two hon. Members before me, I was one of those Members of the Select Committee who gave a note of dissent with regard to the conclusions arrived at by the Select Committee. I also gave notice of an amendment, though I thought there might be certain technical difficulties with regard to the amendment that I gave notice of. But unfortunately I was a little late and I am sorry I was not able to move my amendment. The only course that I can therefore take at this stage is to oppose the passing of this clause. My reasons are these, Sir. So far as no-confidence motions are concerned in the case of district boards, local bodies and municipalities, it is quite common knowledge that these afford great room for factions starting. It was originally thought that a no-confidence motion would in a large measure check automatically the rule of a chairman or a vice-chairman. But later on it was found that the powers were abused, and now by an amending clause 40-A . . ."

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"On a point of order, Mr. President, the amendment of which my hon. Friend had given notice to the effect that the original section in the Act be omitted altogether was not moved. Now, if he opposes this clause and succeeds, the result will be that the original section in the old Act will be restored. I do not think that is the object of the hon. Member in opposing this section."

* The hon. the PRESIDENT:—"The hon. Member will hear him through and then he can find out his position."

Mr. T. S. RAMASWAMI AYYAR:—"I shall immediately explain the position, Sir. As I already told the House, I am sorry I was a little late to move my amendment but still I find that the remedy now suggested is not really going to give us the consolation; in fact the remedy is going to be worse than the disease. If originally no-confidence motions were the cause of great discontent and of party factions, this amendment that is now sought to be put on the statute book is not really going to help us. It is common knowledge, as I said already, that the no-confidence motions instead of fulfilling the purpose they were intended to do, really came in handy for party factions being promoted. If there was an attempt to check the autocracy of the chairman, the result was another tyranny started by a faction or a clique in a local body cropping up and threatening the chairman.

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p.m.

"The chairman's work consists in pacifying his opponents. It is difficult to have a working majority. Whether he was at fault or not he had always this task on hand. It is true that there should be a

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check on a chairman who is not acting in that position in the interests of the local body. But the no-confidence motion gave a blank cheque so far as the powers of the councils were concerned. We know also as was referred to by one hon. Member that so far as elections were concerned they were not quite free from corruption. I do not mean to say thereby that there is a lot of corruption. We have to face facts. Sometimes it often happens that party factions are there and methods not quite fair have to be adopted. Whether the chairman merits or not he gets the position by a majority of one or two. But whatever it is having been elected by a majority it is but right that he should be in charge of the affairs of the local body during a certain period of office. But the day after his election is announced and perhaps even before the parties that are given in his honour come to a close he is confronted with a no-confidence motion. That is because his opponents find fault with the people who have not voted for them and then say we will vote for you. It is not because they have found a wrong man but because of the later canvassing. Then the new chairman finds it difficult to manage the council. In the case of the chairman who abuses his powers it is right that he should be controlled. Even when he does not, the no-confidence motion brings a deadlock. Having given this power it is likely to be abused and has been abused. We are now trying a way out. It was because that we did not recognize early enough that no-confidence motion cannot really be a remedy when we should have sought others. What happens now is, as I said, cliques are there and the chairman is not able to manage his council. And I would not be sorry, Sir, if the chairman's difficulty to control the council happens because of certain policies. I know in many cases it is not the policy that brings the chairman into conflict with the council but it is personalities and his not being able to oblige some candidates. In such cases are we helping democracy? I should have thought, Sir, that hon. Minister who has now brought up a Bill would have said 'no more no-confidence motions.' But if he thought that the chairman may work it along with his party for a restricted period—now I find amendments moved about the time by which no-confidence motions could be brought whether it is to be six months or one year, he is not suggesting the proper remedy. I say abolish no-confidence motions, and give one year of service."

* The hon. the PRESIDENT:—"The amendments have been discussed already."

MR. T. S. RAMASWAMI AYYAR:—"I am not discussing the amendments, Sir. The abolition of the no-confidence motion will give the chairman one year of service during which he will be undisturbed and there will be no opportunity for the caucus to work havoc. The chairman will be able to go on with his work on hand instead of trying to satisfy one councillor or one set of councillors. In trying to do small changes we are tinkering with the subject. Why not take a bold step and say there will be no no-confidence motions. I invite the attention of the House to one instance where this system I suggest has been working satisfactorily. I refer to the City Corporation of Madras. Whatever may be the opinion of individual members of the House, it cannot

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he said that the President of the Corporation is able to abuse his powers. He is there for a year and he knows what his work is and the councillors also know they will also have to get on for one year. There is no hitch there, Sir, but I was confronted with an objection that there is commissioner there and the powers exercised by him are so great that it is not possible for the President of the Corporation to exercise powers resented by councillors. It was only yesterday, Sir, that we passed the change in the District Municipalities Act by which we appointed commissioners for ten municipalities. Why not abolish the no-confidence motions in the first instance in these councils? That will be, I think, Sir, a straight step by which we can remove from this Presidency the rancour which is eating the local boards, namely, corruption and party faction."

The question was put and carried and clause 2 was added to the Bill. Clause 3 was put and carried.

The Preamble was put and carried.

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I move now, Sir, that—

' the Bill be passed into law '."

Mr. E. CONRAN SMITH:—" I second it."

The motion was put and carried and the Bill was passed into law.

X.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT
(BILL No. 10 OF 1932).

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I beg to present the Report * of the Select Committee on the Bill to amend the Madras Local Boards Act (Bill No. 10 of 1932) and move that—

' the Bill, as approved by the Select Committee, be taken into consideration '."

Mr. E. CONRAN SMITH:—" I second it."

The motion was put and carried.

Clause 1 was put and carried.

Mr. K. R. VENKATARAMA AYYAR:—" I move that—

' in line 2 of clause 12 of the proposed section 44, the words " two-thirds " be substituted for the words " three-fifths " .'

" I am not going to take up the time of the Council because what has prevailed in one case I know is going to prevail in the other also. I shall not therefore waste a speech. I adhere to the views expressed by me."

Mr. T. C. SRINIVASA AYYANGAR:—" I second it."

The amendment was put and lost.

Mr. K. R. VENKATARAMA AYYAR:—" I move—

' in line 2 of clause (14) of the proposed section 44, substitute the word " twelve " for the word " six " .'

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"I know I am going to be defeated. I shall not waste a speech."

Mr. T. C. SRINIVASA AYYANGAR:—"I second it."

The amendment was put and lost.

Mr. K. R. VENKATARAMA AYYAR:—"I move—

'that the following be inserted as sub-section (15) of the proposed section 44:—

"No motion under this section shall be debated or voted upon unless in terms the notice of motion mentions the administrative act or acts or policy of the president or vice-president by reason whereof the motion is made."

"There again, Sir, I have attempted ineffectually to persuade the House to agree with me. I know the result is going to be the same. I shall therefore not repeat my remarks."

Mr. T. C. SRINIVASA AYYANGAR:—"I second it."

The amendment was put and lost.

Clause 2 was put and carried.

Clause 3 was put and carried.

The Preamble was put and carried.

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I beg to move that—

'the Bill be passed into law'."

The motion was put and carried and the Bill was passed into law.

XI.—THE MADRAS CO-OPERATIVE SOCIETIES ACT (AMENDMENT) BILL (BILL No. 32 OF 1932).

* The hon. Mr. P. T. RAJAN:—"Mr. President, I beg to introduce the Madras Co-operative Societies Act (Amendment) Bill^a (Bill No. 32 of 1932) and move that— 4 p.m.

'the Bill be taken into consideration at once.'

"In so doing, I may say that the reason for the amendment of the Act is stated in the Statement of Objects and Reasons. It is only to enable the Co-operative Societies, when they find themselves as purchasers in auction sale of land and are required to pay the amount of deposit which is obligatory under the Madras Revenue Recovery Act, to set off the sums due to them by the debtors, against the purchase money. This is only an enabling amendment."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"I second it."

The motion was put and carried.

* The hon. the PRESIDENT:—"Clause 1 with the figure '1932' altered into '1933' and clause 2 are for the vote of the House."

^a Published in the Fort St. George Gazette, dated 8th November 1932.

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The motion was carried, and clause 1, as amended, and clause 2 were carried.

The Preamble was put and carried.

* The hon. Mr. P. T. RAJAN :—" I move that—

' the Bill be passed into law '."

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR :—" I second it."

The motion was put and carried, and the Bill was passed into law.

XII.—THE MADRAS COMMERCIAL CROPS MARKETS BILL
(BILL No. 11 OF 1931).

* The hon. Mr. P. T. RAJAN :—" Mr. President, Sir, I beg to introduce the Madras Commercial Crops Markets Bill * (Bill No. 11 of 1931) and move that—

' the Bill be referred to a Select Committee.'

" In doing so, I should like to say something about the Bill itself. The general purpose of the Bill is clearly indicated in the Preamble and the Statement of Objects and Reasons, and it is unnecessary for me to deal with it at any length. The Bill was to have been moved even early last year, but representations from interests affected were made to me that sufficient opportunity was not given to them for the fullest expression of opinion on the subject. In consequence of that I did not move the Bill then. Accompanied by the Director of Agriculture, I toured the districts most affected by this piece of legislation, and heard the views of cultivators, merchants and factory owners. It was made perfectly clear then that some control on buying and selling was necessary in the interests of the cultivators who are at present put to considerable loss by various practices prevailing in the trade and against which the cultivators are inadequately protected. It was clear moreover that something more than mere protection against such abuses was necessary, and that provision should be made for giving cultivators better facilities for storage, accommodation and for finance. The trade conditions existing in such centres as Tiruppur, Dindigul and Virudunagar, etc., showed me that unless better and superior advantages were offered to cultivators, it would be very inadvisable and perhaps unjustifiable to dislocate the existing machinery for buying and selling, and that provision should be made for enabling the existing commission agents and factory owners to continue their business under licence. Evidently it will take some time to provide the facilities contemplated in the Bill as can compete with the existing agencies. It may be necessary to recast the Bill slightly so as to take power first to declare that within a specified area the trade will be controlled and to provide for the enforcement of prescribed conditions by means of a body known as the Marketing Committee. That committee will have the statutory obligation to establish a market as soon as possible and provide all facilities for finance, storage accommodation, etc. With this statement of the policy of the Government in

* Published in the Fort St. George Gazette, dated 28th July 1931.

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regard to the proposed legislation, I am prepared to consider such modifications in the form of the Bill as may be suggested in the Select Committee. With these remarks, I move—

that the Bill be referred to a Select Committee consisting of the following Members:—

- 1 Mr. M. B. Rangaswami Reddi.
- 2 Kumara Raja M. A. Muthiah Chettiar.
- 3 Mr. K. C. M. Venkatachala Reddiyar (Zamindar of Meenam-palli).
- 4 Subadar-Major S. A. Nanjappa Bahadur.
- 5 Mr. V. M. Ramaswami Mudaliyar.
- 6 „ A. Harischandrudu.
- 7 „ P. Bayappa Reddi.
- 8 Rao Bahadur T. A. Ramalingam Chettiyar.
- 9 Mr. Muhammad Meera Ravuttar.
- 10 „ M. A. Manikkavelu Nayakar.
- 11 „ C. Indriah.
- 12 „ F. Birley.
- 13 Sami Venkatachalam Chetti.
- 14 „ S. H. Slater.
- 15 „ M. D. T. Ranganatha Mudaliyar.
- 16 The hon. Mr. P. T. Rajan (Mover) ’.”

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—“ I second it.”

Mr. A. HARISCHANDRUDU NAYUDU:—“ Mr. President, I move that—

‘ Standing Order No. 39 (2) be suspended and that the following names be added to the list of names already proposed to the Select Committee:—

- 1 Mr. P. C. Moses.
- 2 „ A. V. Bhanoji Rao.
- 3 Pandit Ganala Ramamurti.
- 4 Diwan Bahadur C. S. Ratnasabhapati Mudaliyar.
- 5 Mr. H. M. Jagannatham.
- 6 Diwan Bahadur A. M. M. Murugappa Chettiyar.
- 7 Mr. C. Basu Dev.
- 8 Rao Sahib V. Dharmalingam Pillai.
- 9 „ P. Subrahmanyam Chetti.
- 10 Mr. R. M. Palat.
- 11 Zamindar of Kirlampudi.
- 12 Zamindar of Chemudu.
- 13 Ahmed Miran Sahib Bahadur.
- 14 Mr. V. P. Narayanan Nambiyar.
- 15 „ T. S. Ramaswami Ayyar.
- 16 „ A. B. Shetty.
- 17 „ Mahboob Ali Baig.
- 18 S. M. K. Beyabani Sahib Bahadur.
- 19 Khan Bahadur Mahmud Schamnad Sahib Bahadur.
- 20 Mr. V. T. Arasu.

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- 21 Mr. Basheer Ahmed Sayeed.
- 22 „ Abdul Hameed Khan.
- 23 Rao Bahadur C. Natesa Mudaliyar.
- 24 Rao Sahib D. Krishnamurti '."

The motion was duly seconded.

Rao Bahadur T. A. RAMALINGAM CHETTIYAR:—" Mr. President, Sir, I do not oppose the motion. But I only want to say a few words about the importance of this measure. The Bill is no doubt a measure which seems to be necessary to help the ryots. That some sort of regulation is necessary with reference to the standard of the quality of the industrial crops that come to the market is a thing that has been agreed to by all persons who have thought over the matter. The Agricultural Commission also referred to the matter and said that some regulation is necessary and that greater facilities ought to be given to the agriculturists for obtaining proper price for their produce. So far as these matters are concerned, at the present moment Government have got some powers under the Penal Code, and some other Acts. They have not been sufficient to exercise full control by the Government, with the result that the ryot has been losing heavily in marketing his produce either in the village or in some other market. In the bigger markets, there are a number of institutions coming into existence which serve not only the purpose of purchasing the ryot's produce, but they also serve other purposes. They serve the purpose of helping the ryot to find a market; they serve the purpose of warehousing the goods; they serve the purpose of financing him to hold the goods for a better market; they also serve in several cases to turn the raw produce into the required product for the market. If it is cotton kapas, they are turned into cotton lint; if it is groundnut, into oil or into decorticated seeds. With reference to these things, no doubt, facilities exist to a certain extent in some markets. With reference to cotton, it may be said there are ginning factories and financing agencies in Tiruppur. But the same facilities are not available at Dindigul and elsewhere. Except to the limited extent that we want to control, it will not be possible to control wrong dealings and false weights and things like that. With reference to other matters, we have to go cautiously. Where facilities already exist, it will be wrong policy to force any change on the people unless you are prepared to deal with them rather harshly. Sir, the proper way to deal with these matters will be by giving better facilities to the ryots and in a way to try what the market committee itself may provide. Otherwise, the large investments made by the capitalists will be hit hard. So, as I said, it is necessary to move cautiously. Probably the same rules cannot be applied to every market. I would say that with reference to every place to which they would have to apply this Act modifications may be necessary. For instance, in places where we have regular shandies, we can apply the Act at once and can have as much restriction as possible. In smaller places where there is no such thing some stringent measures may be taken to help the ryots to sell their produce for a fair price by providing facilities by an organization like the marketing committee.

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" This is a matter in which we have to study local conditions and apply appropriate measures. As I said, with reference to weights and measures, with reference to prices and with reference to disputes, I think, we may have a sort of uniform rule applicable to all localities. For every other matter local conditions should be studied and treated separately. If we proceed on these lines we will meet the need that exists at the present moment and help the ryots to the fullest extent necessary. I consider, therefore, that the Select Committee should consider the Bill bearing these factors in mind. As I said, I do not think we are too early in producing a Bill of this sort, because the ryots have been suffering for a long time by not being able to secure proper prices for their produce. This Bill will give them the relief they badly stand in need of. 4-16 P.m.

" Now, Sir, with regard to grading or standardization, some action will have to be taken by the Government. The marketing board by itself will not be able to do all that is necessary. In other countries the Governments and various private agencies take a great deal of trouble in regard to grading and so on. With reference to commercial disputes, it is very necessary that the parties concerned should not be driven to the courts. The procedure in the courts involves a great deal of delay and expenditure of money. Therefore in matters of this kind some speedy methods for settling the disputes should be devised and some sort of arbitration should be provided for. With these few words I support the motion."

The question of suspension of Standing Order No. 39, so as to include more names to the Select Committee, was then put and carried.

The main motion to refer the Bill (No. 11 of 1931) to a Select Committee consisting of 40 members was then put and carried.

Diwan Bahadur B. MUNISWAMI NAYUDU:—" Sir, if we can add a few more names to the Select Committee at this stage, with your permission, I would suggest two more names. In a matter of this kind, I believe, the parties should be consulted beforehand. The first list of sixteen members was drawn up after such consultation and it represented all parties in the House. The second list was thrust upon us suddenly and we have not had time to scrutinize it. I hope therefore that you will give us leave to add two more names."

* The hon. Mr. P. T. RAJAN:—" As far as the Government are concerned, they sent in a list of sixteen members. It was subsequently altered here by another list submitted to the hon. President suggesting more names. If the House wants to add more names to the list of sixteen members, it is open to them to do so. As far as I am concerned, sixteen is enough to deal with the Bill."

Diwan Bahadur B. MUNISWAMI NAYUDU:—" With your permission, Sir, I move—

' that the names of Mr. P. V. Krishnayya Choudari and Diwan Bahadur M. Gopalaswami Mudaliyar be added to the list '."

Dr. P. SUBBARAYAN:—" I second the motion."

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Mr. V. M. RAMASWAMI MUDALIYAR:—" Sir, I move—

' that the name of Rao Sahib V. I. Muniswami Pillai be added to the names of Select Committee Members '."

Mr. ABDUL HAMEED KHAN:—" I second it."

These two motions were then put and carried and the names of Messrs. P. V. Krishnayya Choudari, Gopalaswami Mudaliyar and V. I. Muniswami Pillai were also added to the list.

XIII.—A BILL FURTHER TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920, FOR CERTAIN PURPOSES
(BILL No. 29 OF 1932).

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Sir, I beg to introduce a Bill^a further to amend the Madras District Municipalities Act, 1920, for certain purposes (Bill No. 29 of 1932) and move—

' that it be referred to a Select Committee '."

" The names of the Members of the Select Committee will be given on Monday."

The hon. Mr. P. T. RAJAN:—" I second it."

The motion was put and carried.

XIV.—A BILL FURTHER TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920, FOR CERTAIN PURPOSES (BILL No. 30 OF 1932).

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Sir, I beg to introduce a Bill^a further to amend the Madras Local Boards Act, 1920, for certain purposes (Bill No. 30 of 1932) and move—

' that it be referred to a Select Committee '."

The hon. Mr. P. T. RAJAN:—" I second it."

The motion was put and carried.

XV.—A BILL TO AMEND THE MADRAS LOCAL AUTHORITIES ENTERTAINMENTS TAX ACT, 1926, FOR CERTAIN PURPOSES
(BILL No. 31 OF 1932).

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Sir, I introduce a Bill^a to amend the Madras Local Authorities Entertainments Tax Act, 1926, for certain purposes (Bill No. 31 of 1932) and move—

' that it be taken into consideration at once '."

The hon. Mr. P. T. RAJAN:—" I second it."

The motion was put and carried and the Bill was taken into consideration.

Clause 1.

Clause 1, as amended, viz., figure 32 being changed into 33, was then put and carried.

Clause 2.

Clause 2 was then put and carried.

^a Published in the Fort St. George Gazette, dated 1st November 1932.

A BILL TO AMEND THE MADRAS LOCAL AUTHORITIES ENTERTAINMENTS 437
TAX ACT, 1926

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Preamble.

The Preamble was next put and carried.

The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I move—
' that the Bill to amend the Madras Local Authorities Entertainments Tax Act, 1926, for certain purposes, be passed into law '."

Mr. C. BASU DEV:—" I second it."

The motion was put and carried and the Bill was passed into law.

XVI.—A BILL TO AMEND THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (BILL No. 1 OF 1933).

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" I beg to introduce the Bill^a to amend the Madras District Municipalities Act, 1920 (Bill No. 1 of 1933), and move—

' that it be referred to a Select Committee '."

Mr. C. BASU DEV:—" I second it."

The motion was put and carried.

XVII.—A BILL TO AMEND THE MADRAS LOCAL BOARDS ACT, 1920 (BILL No. 2 OF 1933).

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Sir, I beg to introduce the Bill^a to amend the Madras Local Boards Act, 1920 (Bill No. 2 of 1933), and move—

' that it be referred to the same Select Committee that is appointed to consider the Bill to amend the Madras District Municipalities Act, 1920 (Bill No. 1 of 1933) '."

Mr. C. BASU DEV:—" I second it."

* Mr. A. RANGANATHA MUDALIYAR:—" Sir, you will see from the Statement of Objects and Reasons appended to this Bill that it is intended to regulate the appointment of district board engineers and district health officers. I suggest that the assistant engineers also should be brought within the purview of the Bill. (A voice: ' The Select Committee can do it. ') I do not see any reason why this particular class should be left out. Their position and influence are the same as those of the municipal engineers. Whatever reason exists now for the inclusion of the engineers and health officers under the Bill, it exists, I suggest, in the case of the assistant engineers also. I consider therefore that they should be included in the Bill."

Mr. SAMI VENKATACHALAM CHETTI:—" Sir, I wonder at the transformation that has taken place in the case of my hon. Friend Mr. Ranganatha Mudaliyar. He was at one time a strong advocate of the extension of local self-government. Sir, no doubt there have been certain complaints about the inefficient management of local self-governing institutions by non-official chairmen.

^a Published in the Fort St. George, Gazette, dated 17th January 1933.

[Mr. Sami Venkatachalam Chetti] [26th January 1933]

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p.m.

" But that was, I should think, a state of affairs that was hardly anticipated. It was never thought that the non-official chairmen who have had till then the experience of conducting the affairs of self-governing institutions would in the first instance mismanage their affairs, and although subsequent events have proved otherwise that should be no reason to cut away the powers which it was the intention of the Legislature to confer upon non-official bodies. Instead of cutting away all these powers, it should be the duty of every one who is interested in inculcating ideas of self-government to the people to help them by giving them such powers as the exercise of which would bring them more reason and more sense in the administration of the affairs of those bodies. Sir, if inefficiency of office management should be the criterion or the reason to divest those gentlemen of the powers which they now enjoy, I am afraid there are several institutions which require similar treatment. May I not remind the hon. Member for Bellary that there has always been a complaint against the Indians by Englishmen that we were not experienced in managing our affairs, that we would commit mistakes and that therefore we were not entitled for more powers. When all these were said how hotly we resented those kinds of insinuations and attacks against us! Now, Sir, we have made them recognize that although the Indians are deficient, from their point of view, in managing self-governing institutions, they (Indians) have got every right to manage their own affairs and that it is proper that they should be invested with larger powers. While that is the view of the Britishers, which we have compelled them to take on account of the patriotic efforts of the people of this country, it seems to me most surprising that my hon. Friend Mr. Ranganatha Mudaliyar should now attempt to take away the power of managing local affairs from the hands of local bodies. It is one thing to appoint an executive officer in order to assist the non-official chairman in conducting the affairs of local bodies properly and it is quite another thing to take away the powers which they now enjoy . . . "

* Mr. A. RANGANATHA MUDALIYAR:—" On a point of personal explanation, Mr. President. I have suggested for the consideration of the Select Committee the proposal to include assistant engineers also for the same reasons as have been given in the Statement of Objects and Reasons with reference to the appointment of district board engineers and municipal engineers. That is a matter for the consideration of the Select Committee. I thought it was my duty to mention this point so that it may not be ruled out at a later stage. For that to father on me all sorts of ideas in regard to non-official Presidents and Chairmen is, I think, not at all fair."

Mr. SAMI VENKATACHALAM CHETTI:—" I do not know if it was a point of order. (A voice: ' Personal explanation. ') If it is a personal explanation, I am afraid the personal explanation itself requires further explanation. May I ask the hon. Member for Bellary whether, by suggesting to this Council that the Select Committee may consider the question of assistant engineers being appointed by the Government, he

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wants the Select Committee to include assistant engineers or exclude district board engineers? This kind of argument might pass muster with people who are not experienced in Parliamentary affairs, but to those who know how to put these matters without making an avowal of one's own opinions, it seems to me that the explanation which the hon. Member for Bellary gave in answer to my attack is a laboured explanation. Sir, to put it frankly, if the Government has any fear so far as the present constitution of local bodies is concerned, it would be quite enough to confine the operation of their Bill to recognized appointments such as the district board engineers and health officers. It is quite one thing to include such higher grade officers within the purview of the Bill and it is quite another thing to include the lower grade officers also.

"Sir, there is also another reason why the Government might have thought it necessary to include only the district board engineers and health officers. At present they are recruited from the Government service. They come from those who belong to the cadre. There is a sort of approval that is necessary from the Government in the case of these appointments. But what is now a formal approval is sought to be made a statutory obligation on the part of local bodies to consult the Government and to get them appointed by the Government. That is the scope of the present Bill. What my hon. Friend Mr. Ranganatha Mudaliyar suggests is that the appointments of assistant engineers and assistant health officers which have hitherto required only a formal approval from the Government should also be made by the Government themselves. I take very strong objection to this suggestion and I hope no hon. Member of this Council would vote for the Bill being referred to the Select Committee on that understanding."

Rao Sahib V. I. MUNISWAMI PILLAI:—"Sir, while I rise to support the motion that has been moved on the floor of this House I would like the Select Committee to consider the question of appointing Revenue Officers also for the various municipalities from Government service. Sir, I have got very many reasons for saying this. These officers have got to discharge very onerous duties, viz., fixing taxes and assessing the value of the various properties. These officers should be above all parties and be free from the clutches of people who are entangled in party politics. Therefore I strongly urge upon the attention of the Select Committee to include the Revenue Officers also in the cadre of officers that are to be appointed by Government."

* Mr. C. BASU DEV:—"Sir, in supporting the motion for referring this Bill to the Select Committee I wish to join my hon. Friend Mr. Ranganatha Mudaliyar when he made the suggestion that the question of including assistant engineers should also be considered by the Select Committee. I missed the opportunity of speaking on the provisions of the Bill relating to the District Municipalities Act. I tabled a resolution but unfortunately on account of more urgent business my resolution could not be taken up. That resolution referred to the provincialization

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of the services in the employ of municipalities. I would now add that the services of the local board employees also may similarly be treated. I do not think there are any two opinions in this House or outside as to the necessity of having a very efficient service to administer to the needs of the people coming under the jurisdiction of the local boards and municipalities. Efficiency of administration requires a service which should not only be amenable to popular control but should also be administratively efficient. But unfortunately circumstanced as we are in this country, amenability to popular control is somewhat conflicting with administrative efficiency, and if choice is forced on me I would choose the latter and would sacrifice amenability to popular control. I do not think that the apprehension of my hon. Friend Mr. Sami Venkatachalam Chetti, that the provincialization or the taking away the power of appointment of servants to municipalities or local boards is a retrograde step, is correct. Servants will always be amenable to do the right thing. The whole trouble comes in when the chairman wants the engineer or the revenue officer or some other servant to go outside the scope of his duties and do things which the law prohibits. In all matters which are lawful, which are necessary and which would be useful, there would be no difficulty for the municipal councils or the local boards to have this work executed by their officers. It is necessary that we should take steps to effect administrative efficiency in the service both in the local boards and municipalities. We can only do that by guaranteeing the men permanency of service which at present they are not enjoying. I think that provincialization of the services will be the surest and perhaps the only way of guaranteeing their permanency. With these words I have very great pleasure in supporting the motion before the House."

Mr. V. P. NARAYANAN NAMBIYAR:—"The convention regarding the composition of Select Committees having been given the go by, the only way to ensure a place on the Select Committee is to make a speech at this stage. I have, therefore, great pleasure in supporting the motion before the House."

Mr. C. BASU DEV:—"Sir, I protest against the insinuation."

* The hon. the PRESIDENT:—"He did not make any insinuation. He only wanted to make his position in the Select Committee more secure."

Mr. T. S. RAMASWAMI AYYAR:—"Sir, I am not able to agree with the motion that the Bill be sent to the Select Committee. Though I am as anxious as any other hon. Member to keep up the efficiency of service. I want this House to recognize that there should be something of democracy. If the representatives of the people in a municipal council or a local board have to manage their own affairs, they should have control over their servants. I do certainly sympathize with my hon. Friend Mr. Basu Dev when he wanted to move his resolution that there should be a provincialization of service in local boards and municipalities. I am for stabilization of services so far as local boards and

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municipalities are concerned. But that does not mean that the power of appointment and dismissal of these persons should be taken away from their hands. It is one thing to say that we want security of service and it is quite another thing to say that the power of appointment and dismissal should be vested in the hands of a third party. If we are to progress on democratic lines, there is no point in taking away all the powers from the hands of the local bodies and entrusting them with the Government. You may as well have them as signing machines just to sign the decrees issued by the Government. If the local bodies should have control over their services, why should they not appoint them? In the city of Madras the Commissioner is appointed by the Government, but as regards certain other appointments power is either vested in the Council or the Commissioner. The lower grade appointments are made by the Commissioner and the appointments of higher grade are made by the City Council. Why should all the powers be taken away by the Government? This is only another opportunity to create a deadlock where there is no chance for it now? It may be that the Government may appoint a health officer or an engineer in a municipality and he may not be acceptable to the municipality. Why should the Government in that case force an officer on the local body against the will of the local body? If necessary, let the local body concerned make the appointments and let the Government have the power of approving them. I think that the Bill as it stands is a retrograde measure judged by the principles of democracy."

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* Mr. BASHEER AHMED SAYEED:—"Sir, I rise to support the views of my hon. Friend the ex-President of the Corporation of Madras and the learned Member for the University. I request hon. Members of the House to draw a distinction between centralization and efficiency. The idea with which local self-governing institutions were introduced in this country two or three decades ago was that power should be decentralized from the Provincial Government to the local bodies. We thought that the process was going on steadily and in a progressive manner. But recently the tendency seems to be more towards centralization than decentralization. If this should go on at the rate at which we are now proceeding for some time more, I do not know where we shall be and what functions will be left to the municipalities and local boards to discharge. It is wrong to think that efficiency always follows centralization or provincialization. It is possible by other means to ensure stability of tenure for the officers of the local bodies without provincializing services. The power of appointing the Commissioner of the Madras Corporation is vested in the Government. On account of that we had to pass through very difficult times some years ago when the Council could not agree with the Commissioner. Similar sad results are likely to follow in the case of the local bodies if the power of appointing the chief officers of the local bodies and municipalities is vested in the Government. I do not know why Mr. Basu Dev and other hon. Members who think with him should be enamoured of centralization, especially as it is likely to result in deadlocks. Efficiency does not always follow from

[Mr. Basheer Ahmed Sayeed]

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centralization. I admit there are spheres in which the Government can exercise their powers, but they need not interfere with the local bodies in all matters and reduce them to mere deliberating societies. At any rate that was not the idea with which local self-governing institutions were introduced in this country. Instead of becoming more and more autonomous and more and more powerful, the local bodies are sought to be made into mere puppets. Whatever else we may do to ensure stability of tenure for the officers serving under local bodies, we must not invest the Government with more and more powers. For instance, the rules framed by the Madras Corporation with the previous sanction of the Government ensure stability of tenure for the officers of the Corporation and they get the same rights and privileges as Government servants get. The rules that apply to Government servants apply to the Corporation servants above a certain grade. In many cases they have the right of appeal, the right to be heard before punishment and such other privileges enjoyed by Government servants. I assert that that will be the right method of dealing with the officers serving under the local bodies. I know it will be said in reply that the Provincial Government itself is becoming autonomous and self-governing and there is no harm in investing it with these powers. But we have yet to know what form of Government we are going to get. When I read the original Bill I thought that the object of the Government was to regulate or rather legalize the power already vested in them to sanction the appointment of engineers and health officers in each municipality, but the intention of the previous speakers seems to be that the power of making the actual appointments should vest in the Government. They desire that for each municipality the Government shall appoint the revenue officer, the engineer and the health officer and so on. In such a case if there is a conflict between the municipality and the Government over the appointment of a particular officer, I do not know how it will be settled. Surely there will be unpleasantness and friction and the municipal services will deteriorate in efficiency. I would urge upon the Select Committee to go very carefully into the points raised on the floor of the House by hon. Members who have spoken before me."

* Mr. E. CONRAN SMITH:—"Sir, I had not intended to intervene in the debate especially as the proposal now is merely to refer the Bill to a Select Committee. But I should like to correct what I believe to be a misapprehension under which the hon. Member for the University is labouring. This Bill merely seeks to legalize the practice which has been adopted since 1924. The Government are already appointing the district board engineers and health officers. It is only because in one case a legal doubt was thrown on the validity of the appointment, that the Government have introduced this measure in order to legalize the existing practice. I may say that the practice has been accepted by the majority of the local bodies concerned and has worked well during the last eight years. The hon. Member for the University remarked that he was all for stabilization although he was not in favour of provincialization. But he did not give any alternative to provincialization as a

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guarantee to the services. I should like to tell the hon. Member for the University that we have had in the last few months at any rate, two cases in which engineers were ousted from their posts not because they were inefficient but because the chairmen of the councils concerned could not get on with them. As far as I can see, unless such posts are provincialized, there is no guarantee that others will not be treated similarly on future occasions. The Government are in a peculiarly difficult position in such cases, because if they interfere to protect the municipal servants as they have a right to, then it means that the Government are forcing upon the council an officer who is not wanted either by the council or the chairman. The result is a deadlock. If they do not interfere, then they are not protecting the municipal servant, as they should do. In either case, the Government is in a very difficult position. I think, if the hon. Member reflects on the matter, he will agree with me that the method now proposed is the right way of protecting these servants of the local bodies. The other points raised by hon. Members will, of course, be dealt with by the Select Committee. I only wanted to take the opportunity to correct a misapprehension in the mind of the hon. Member for the University."

The question that the Bill to amend the Madras Local Boards Act, 1920, be referred to a Select Committee was put and carried.

XVIII.—THE MADRAS CITY MUNICIPAL ACT (AMENDMENT) BILL
(BILL No. 3 OF 1933.)

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—"Sir, I introduce the Madras City Municipal Act (Amendment) Bill* (Bill No. 3 of 1933) and move—

'that the Bill be taken into consideration at once'."

The hon. Diwan Bahadur Sir M. KRISHNAN NAYAR:—"I second it."

Mr. V. T. ARASU:—"Sir, in supporting the motion made by the hon. the Third Minister I have to make one or two observations. No doubt it is in the fitness of things that the President of the Madras Corporation, the premier municipal corporation in the Presidency, should be called Mayor just like the Mayors of the Bombay and Calcutta Corporations. But in this connexion I should say that there are more pressing amendments to the City Municipal Act which have been pending for a very long time. A committee was appointed as far back as 1930 to suggest amendments to the Act. The committee sat for two or three months and made certain proposals to the Government. It is not known yet what has happened to those amendments.

"There is one other amendment to the Act which is quite as urgent as, if not more urgent, than the present one under discussion. At present the Madras Corporation has no power to spend any money on cheris owned by private individuals. These cheris, like the Parthasarathy Kuppam, for example, are veritable death traps to the city of

* Published in the *Fori St. George Gazette Extraordinary*,
dated 19th January 1933.

[Mr. V. T. Arasu]

[26th January 1933]

Madras. The people living there have no amenities at all. I request the Government to take up the amendment of the Act in those directions where there is an urgent need for it. With these remarks, I heartily support the motion which has been moved by the hon. Minister."

Mr. ABDUL HAMEED KHAN:—"Sir, I also wish to support the motion. In doing so I wish to point out that the City Municipal Act needs drastic amendments in several directions and the amendments have been long over due. Since 1920, the District Municipalities Act dealing with the mufassal municipalities has undergone many changes, but the City Municipal Act remains where it was. The city is neglected while the mufassal centres have been improved. On the other hand the right procedure ought to have been to begin from the city and then go to the districts. One non-official member brought forward a Bill in this House, but it was not allowed to be introduced on the ground that the Government would bring a comprehensive measure. Although the Government have been making promises, they have not taken any serious steps to expedite the amendment of the City Municipal Act. In reply to questions put on the floor of the House they have stated that a Bill is under the consideration of the Government. I do not see why it should take such a long time for the Bill to be prepared and introduced into this Council. A committee consisting of members of the Corporation and officers of the Government sat from day to day for several months and suggested some very necessary amendments most of which were of a very urgent nature and very essential for the smooth running of the administration of the affairs of the Corporation. Representations on this subject of the amendment of the Act were made not merely by the Council but by successive Commissioners also during the last five or six years. But the Government do not seem to have moved in that direction at all.

5 p.m. "There are very many pressing amendments to this Act. I am sure my hon. Friend, Mr. E. C. Smith, who was Commissioner of the Corporation recently, himself knows the difficulties the Commissioner of the Corporation and the Councillors feel in the administration of the affairs of the Corporation. There are many clauses which require urgent amendments. I request the hon. the Minister to tell us definitely when he would bring forward a comprehensive measure; I think the Government ought to have brought it forward earlier. I wish to ask what it is that is responsible for the delay and why the Government have not finished the scrutiny of the Bill and why the Government have not brought forward the measure. Is it due to the fact that, with regard to the constitution of the Council, the Government is awaiting the decision on the communal settlement in the Provinces so that the Council might be reconstituted on the basis of the communal settlement? I should like to know what exactly is responsible for the delay."

- * The hon. the PRESIDENT:—"The question is—
'that the Madras City Municipal Act (Amendment) Bill (Bill No. 3 of 1933) be taken into consideration'."

The motion was carried.

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Clauses 1, 2, 3, 4 and 5 of the Bill were put and carried.

The Preamble of the Bill was put and carried.

* The hon. Diwan Bahadur S. KUMARASWAMI REDDIYAR:—" Sir, I now beg to move—

' that the Bill be passed into law.'

" In doing so, it gives me great pleasure on behalf of this hon. House to offer its most sincere congratulations to my hon. Friend, the Kumararaja of Chettinad, who will be the first Mayor of the City of Madras. It is a dignity that has been long overdue. While the Presidents of the Corporations of Bombay and Calcutta have for a very long time been called Mayors, the President of the Corporation of this City alone has not been given this title. We have now rectified that defect and it is a source of very great gratification to offer my congratulations to the Kumararaja of Chettinad who is an hon. Member of this House, on his becoming the first Mayor."

Rao Bahadur P. C. MUTHU CHETTIYAR in seconding the motion spoke in Tamil as follows:—

" கனவான்களே ! கார்பொரேஷன் மேயர் பில் ஆனரபில் மினிஸ்டர் கொண்டுவந்ததை நான் செகண்டு செய்கிறேன்.

" இதுவரை இந்த சென்னை கார்பொரேஷனுக்கு 'மேயர்' வராததைப்பற்றி தகுந்த காரணம் இருந்திருக்கவேண்டுமல்லவா, பாம்பே, கல்கத்தா முதலிய பிரிவினஸ்களிலெல்லாம் மேயரென்று நீண்டகாலமாய் அழைக்கப்பட்டுவந்திருப்பதை இந்த ராஜதானி அறிந்ததில்லையா ? இதுவுமன்னியில் பிரெஞ்சு தேசத்திலும் நகர தலைவரை மேயர் என்று அழைக்கப்படுவதை இந்த ஹவுஸ் அறிந்திருக்கக்கூடும். வில்லேஜ் பஞ்சாயத்து பிரஸிடெண்டு, யூனியன் போர்டு பிரஸிடெண்டு, தாலுகா போர்டு பிரஸிடெண்டு, ஜில்லா போர்டு பிரஸிடெண்டு, முனிசிபல் சேர்மன், சிறு கிராமங்கள், தாலுகாகள், ஜில்லாகளுக்குமிருக்கிறது. ஆனால் ஓர் ராஜாங்கமிருக்க தகுந்த பிரிவினஸின் தலை நகரத்திற்கு கோடிக்கணக்காக துறை வரவு சிலவு உள்ளயிடத்தில் சாதாரண பஞ்சாயத்து பிரஸிடெண்டுபோல் கார்பொரேஷனுக்கும் பிரஸிடெண்டு என்று அழைப்பதுகொஞ்சமும் பொருந்துமா ? ஒருவித நியாயமுமில்லை. அப்படியிருக்க இதுவரை காலம் பார்த்திருந்ததற்கு ஓர் நியாயமே. அதற்கு ஓர் தகுதியுள்ள புருஷன் கிடைக்கும்போது அப்பெயரை கொண்டுவரவேண்டுமென்று சமயமும் அதை கொண்டு வருவதற்கு தகுந்த எஜமானையும் நாடியிருந்தபடியால் இது சமயம் அந்த மேயர் பதவியை பெறுவதற்கு பெரிய பரம்பரையான, ஒரு லார்டு பதவிக்குறிய, திரு முத்தையா செட்டியாரவர்களும், பரம்பரையான பெரிய ராஜாங்கத்தை பொருந்திய பொபுளி மகாநாஜா கொண்டுவருவதற்கும், இது சமயம் பார்த்திருந்தபடியாலும் இந்த கார்பொரேஷனுக்கு ஏதோ ஒரு பெரிய அதிருஷ்டம் இருப்பதாலும் இன்று சுதினமாகிய இச்சமயம் வாய்த்திருப்பதை இந்த 'பில்லை', 'லா' வாக இந்த ஹவுஸில் கரகோஷத்துடனும் களிப்புடனும் ஏகமனதாய் செய்வீர்களென்றும் இந்த ஹவுஸை பிரார்த்திக்கிறேன். இந்த விஷயத்தை ரொம்பவும் சுருக்கமாக தெரிவித்திருக்கிறேன்."

The motion that the Bill be passed into law was put and carried and the Bill was passed into law.

The House then adjourned to meet again at 11 a.m. on Monday, the 30th instant.

R. V. KRISHNA AYYAR,
Secretary to the Legislative Council.

APPENDIX I.

[Vide answer to question No. 495 asked by Mr. A. Ranganatha Mudaliyar at the meeting of the Legislative Council held on the 26th January 1933, page 389 supra.]

Statement showing the extent of private lands taken up for road works before and after the introduction of test works on 1st June.

Work till 31st May.						Work from 1st June.					
Name of road.		Part of road.		Area of land taken up.		Part of road.		Area of land taken up.			
				Ryotwar.	Inam.			Ryotwar.	Inam.		
				ACS.	ACS.			ACS.	ACS.		
1	Bellary-Kampli ..	Kolegallu-Badanahatti ..	..	4.32	10.90	Kolegallu-Badanahatti ..	..	45.98	24.07		
		Kurugodu-Yemmiganur ..	..	44.40	18.12	Yemmiganur-Kampli ..	..	11.02	..		
2	Bellary taluk ..	Part in Bellary taluk ..	..	30.10	10.57	Bellary-Sidaragadda and Korla-	..	6.51	12.19		
		Part in Siruguppa ..	..	15.16	6.01	gondi-Handihal.					
3	Rupanagudi-Gulyam..	Moka-Gulyam ..	..	27.24	9.84	Moka-Hagari ..	..	11.58	12.99		
4	Goschen bridge, Alur..		..	..	..	Madchal-Alur via Hathibelagal ..	..	33.94	13.99		
5	Bevinahal R.S., Chintakunta.	Kokerchodu-Singapuram ..	..	2.04	5.77	Bevinahal-Chintakunta ..	..	16.11	11.60		
6	Bantanahal R.S., Yerur.			0.32	0.39			10.04	1.30		
Total ..				124.18	61.60	Total .. 135.18 76.14					

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APPENDIX II.

[Vide answer to question No. 496 asked by Mr. Basheer Ahmed Sayeed at the meeting of the Legislative Council held on the 26th January 1933, page 390 supra.]

Extract of Rule 20 of the Criminal Rules of Practice.

20 (164) No State prisoner, or prisoner under sentence of death, shall be removed under the Prisoners' Testimony Act, from the jail in which he may be confined without the special sanction of Government provided that, in the case of a prisoner under sentence of death, such prisoner may be removed from the jail without such sanction if his presence is required by a Sessions or High Court and for the purpose of taking additional evidence in the case under section 428 of the Code of Criminal Procedure. In all other cases in which the evidence of such a prisoner is required, the Court shall proceed to the jail and there record the evidence of the prisoner, unless the Government has sanctioned his removal from the prison to the Court-house for the purpose. (Rule made by the Government under the Prisoners' Testimony Act, 1869, now the Prisoners' Act, III of 1900.)

APPENDIX III.

[Vide answer to question No. 497 asked by Mr. U. C. Subrahmanya Bhatt at the meeting of the Legislative Council held on the 26th January 1933, page 392 supra.]

(1)

MANGALORE,
11th April 1932.

To

The District Magistrate,
South Kanara,
Mangalore.

Sir,

A few minutes ago, at about 4-25 p.m., we saw Mr. M. M. Rama Rao, M.A., Professor, St. Aloysius' College, Mangalore, and a boy, the son of Mr. Kariangala Muthu Marla, one of the richest and influential land-owners of the district, picketing in front of the cloth shop of Messrs. Canjee Bros. at Hampankatta, Mangalore town.

There were only two picketers. There was no crowd in the vicinity, on the public road. The police lorry came and stopped in front of the shop. The Police Inspector headed the police party consisting of about 12 policemen. The picketers were standing silently and peacefully between the police lorry and the shop. On either sides of the picketers there was a police constable. By no stretch of imagination could it be

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said that these two picketers formed an unlawful assembly of five or more persons unless we include the policemen near them. In a few seconds the constables about four in number began to beat the picketers with their canes using all force. The sound of the beating could be heard even from the Cosmopolitan Club which is about 75 yards away. Not less than 20 cuts were given to each picketer. After a few cuts each of the picketers fell down and could not stand on his legs on account of the severe beating. Even though they had fallen they were still beaten. They were lifted up by the constables and though unable to stand on their legs, were again beaten. From time to time they were forcibly pushed on the road. Ultimately they were lifted up and taken away in the lorry.

In about 10 minutes more two more picketers came to picket the same shop. A few minutes later came the lorry and the constables. Exactly the same process of beating, lifting and pushing was repeated. There was absolutely no unlawful assembly anywhere. The picketers were peaceful throughout. We were eye-witnesses to the above and in our opinion not even mad dogs would be beaten as these picketers were beaten before our eyes. The sights were truly heart-rending.

Is all this in accord with the assurances given by the Government and the Secretary of State for India? Is this Law and Order?

We remain,
Yours truly,

U. C. S. BHATT, B.A., B.L., M.L.C.,
and several others.

(2)

IN THE HIGH COURT OF JUDICATURE AT MADRAS.

*Monday, the seventeenth day of October,
One thousand nine hundred and thirty-two.*

PRESENT:

THE HON'BLE MR. JUSTICE BURN.

*Criminal Revision Case No. 677 of 1932.**(Criminal Revision Petition No. 632 of 1932.)*

Between

- (1) Khan Sahib M. N. Schamnad, Circle Inspector, Mangalore,
- (2) T. Ananda Rao, Sub-Inspector, Mangalore,

Petitioners (Accused)

and

M. N. Rama Rao,
Respondent (Complainant).

Petition under sections 435 and 439 of the Code of Criminal Procedure, 1898, praying the High Court to revise the proceedings, dated 11th June 1932, of the Court of the Subdivisional First-class Magistrate of Mangalore division.

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This case coming on for hearing on Friday, the 14th day of October 1932 upon perusing the petition and the proceedings of the lower Court, and the records in the case, and upon hearing the arguments of Mr. V. L. Ethiraj, Counsel, and Mr. A. S. Sivakaminathan, Advocate for the petitioners, and of Mr. T. R. Venkatarama Sastri for Mr. M. C. Sridharan, Advocate for the respondent, and of the Public Prosecutor on behalf of the Crown and the case having stood over for consideration till this day the Court made the following

ORDER.

The petitioners are an Inspector and a Sub-Inspector of Police against whom a complaint has been laid in the Court of the Subdivisional Magistrate of Mangalore. The substance of the complaint is that on the 11th April 1932, while the complainant and another were peacefully picketing a certain shop, a lorry full of reserve constables numbering in all about a dozen, armed with canes, came led by the accused, and the first accused Inspector of Police, after warning the complainant and his companion to move, ordered the constables to beat them. In consequence of this order the complainant alleged that he and his companion were severely beaten, and the complainant said he believed that the 12 constables at the instance of the accused had fractured his ankle joint. A sworn statement was recorded on the 19th April in which the complainant said that it was the Inspector who directed the beating and that the Sub-Inspector was present with him. The Subdivisional Magistrate took the case on the file for an offence under section 326, I.P.C., against both the accused and issued process.

The accused made an application to the Subdivisional Magistrate in which they alleged that they had acted in the exercise of their powers under sections 127 and 128, Cr.P.C., in dispersing an unlawful assembly and that the complaint was barred by section 132, Cr.P.C., for want of sanction of the Local Government. The learned Subdivisional Magistrate has held that the sanction was not necessary and that the trial must go on. He considers that the main question for decision is whether there was an unlawful assembly when the beating was ordered, and says that if the evidence at any stage discloses that there was an unlawful assembly at the time of the beating, further proceedings will be stopped, but not till then.

The learned advocate for the respondent contends that the learned Subdivisional Magistrate's view is correct. He says that in the first instance there must be a finding on the point whether there was any unlawful assembly, and without such a finding the Court cannot interfere and stay proceedings. Mr. Ethiraj for the petitioners contends that this view is incorrect. It is equivalent to a demand that the Police Officers must prove themselves to be innocent of the offences alleged against them, in order to show that the complaint was invalid for want of sanction.

It appears to me that Mr. Ethiraj's contention is sound. If there was in fact an unlawful assembly the accused were acting within their powers

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under section 128, Cr.P.C. in using force to disperse it. Even if there was not an unlawful assembly but the accused in good faith and by reason of a mistake of fact believed that there was an unlawful assembly, their action would be no offence by reason of section 79, I.P.C. But to say that the accused in this case must prove the existence of an unlawful assembly or their bona fide belief in the existence of an unlawful assembly, is to contend that the protection afforded by section 132, Cr.P.C. is no more than the protection afforded by section 79, I.P.C. That is clearly not the case. Section 79 can only be applied when all the facts are known, i.e., when the trial is over; section 132, Cr.P.C. can only operate before the trial begins. Protection given by section 79 is a protection against conviction, while the protection given by section 132, Cr.P.C. is a protection against trial. It is impossible to hold that these provisions are identical. The learned Subdivisional Magistrate undertakes to stop further proceedings if it is shown at any time that there was an unlawful assembly. The learned advocate for the respondent says that the learned Subdivisional Magistrate is right in giving such an undertaking, but he cannot refer me to any provision of the Criminal Procedure Code which would authorize the Magistrate to stop the proceedings in such a case. There is no such provision, nor is any such provision necessary, because in those circumstances the accused would have to be discharged or if a charge had been framed, acquitted. Then the impossible position would be reached that the accused would have to be discharged or acquitted in a case which by reason of section 132, Cr.P.C., ought never to have been instituted at all.

The contention of the learned advocate for the complainant is that in order to decide whether a prosecution is barred under section 132, Cr.P.C., for want of the sanction of the Local Government, only the complaint and the sworn statement should be referred to. This is a proposition to which I cannot assent. If it were sound it would follow that anyone by appropriate assertions in his complaint and sworn statement could deprive Police Officers of the protection which the legislature has given them under section 132, Cr.P.C.

In the present case however there are in my opinion quite sufficient indications in the complaint and sworn statement that the accused were acting or purporting to act in the discharge of their duty under sections 127 and 128, Cr.P.C. The complainant himself speaks of the "attempt to disperse an unlawful assembly of two pickets" and although I am told by the learned advocate that these words were used sarcastically, they show quite clearly that the complainant was well aware what powers the police were using or purporting to use.

I agree with Mr. Ethiraj for the Police Officers that the principle of the decision in *Gangaraju v. Vanki*, I.L.R. 52 Mad. 602, is applicable to this case. Referring to sub-section (1) of section 197 of the Cr.P.C., Waller, J., has observed as follows: "It is framed in very wide terms. It requires that Judges, Magistrates and certain public servants shall not be prosecuted without the sanction of the competent authority for any

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offence alleged to have been committed by them while acting or purporting to act in the discharge of their official duties. The object obviously is to protect responsible public servants against the institution of possibly vexatious criminal proceedings for offences alleged to have been committed by them, while they were acting or purporting to act as public servants. The policy of the legislature is, we conceive, to afford adequate protection to public servants, to ensure that they are not prosecuted for anything done by them in the discharge of their official duties without reasonable cause and, if sanction is granted, to confer on the Local Government, if they choose to exercise it, complete control of the prosecution. We can see nothing in these precautions to which the public at large can legitimately take exception, and consider that the sub-section should be construed as widely as it has been framed." In my opinion, every word of this passage is equally applicable to section 132, Cr.P.C., the terms of which are as wide as, if not wider than, those of section 197. I therefore allow this petition and quash the proceedings of the Sub-divisional Magistrate of Mangalore taking cognizance of the offence alleged to have been committed by the petitioners.

There are two further points which call for remark. Against the Sub-Inspector of Police there is nothing alleged in the complaint or sworn statement except that he was present with the Inspector. Why the learned Sub-divisional Magistrate should have considered that to be an offence is not clear. So far as the Sub-Inspector is concerned, no offence whatever is disclosed in the complaint or sworn statement, and no process should have issued to him. Again it is not clear why the learned Sub-divisional Magistrate supposed an offence under section 326, I.P.C., to be disclosed in the complaint. The complainant alleged in the complaint that he believed his ankle joint to have been fractured. In his sworn statement this was modified into a suspicion that his leg bone was broken, but the complaint is quite clear on the point that the constables who beat the complainant were armed only with canes, which are certainly not 'deadly weapons.' At the worst the offence made out in the complaint is one under section 325, I.P.C., and that not against the Inspector but against the constables. The Inspector was not alleged to have done any beating himself. He could be said to have abetted the beating by the constables. But since the constables were armed with canes only, I do not myself see how the Inspector could be supposed to know that they were likely to cause grievous hurt. Section 111, I.P.C., could have no application to such a case and the worst offence the Inspector could be said to have committed was one of simple hurt under section 323 read with section 114, I.P.C.

S. ANDISUNDARACHARI,
Deputy Registrar, Appellate Side.

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APPENDIX IV.

[Vide items IX and X on pages 419 and 430 supra.]

BILLS Nos. 9 AND 10 OF 1932.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the undersigned Members of the Select Committee, appointed to consider a Bill further to amend the Madras District Municipalities Act, 1920 (Bill No. 9 of 1932), and a Bill further to amend the Madras Local Boards Act, 1920 (Bill No. 10 of 1932), have the honour to make the following report.

2. The Bills were published in the *Fort St. George Gazette* in English on the 26th July 1932, in Tamil on the 30th August 1932 and in Telugu, Kanarese, Malayalam and Hindustani on the 23rd August 1932.

3. We met on the 28th September 1932 and on the 14th October 1932 and considered the provisions of the Bills. On the 15th October we passed our report.

4. The Bills as introduced were intended to get rid of the main defects in section 40-A of the Madras District Municipalities Act and section 44 of the Madras Local Boards Act which experience of their working since their introduction in 1930 had brought to light.

5. We have considered the question whether any provision for expressing want of confidence in the chairman and vice-chairman of municipal councils or the presidents and vice-presidents of local boards is necessary at all and we have come to the conclusion that such a provision in some form or other is necessary in the case of district and taluk boards and of municipalities. We think that in view of the functions which fall to be performed by the president of a panchayat, there is no need to retain the power to make a no-confidence motion against him. We have accordingly restricted the provisions of these sections to the chairmen and vice-chairmen of municipal councils and the presidents and vice-presidents of district and taluk boards.

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6. The main defects which the Bills as introduced seek to get rid of are those relating to—

(i) the automatic vacation in certain contingencies of office by the chairmen or vice-chairmen of municipal councils or the presidents or vice-presidents of local boards against whom motions expressing want of confidence have been passed;

(ii) the time-limit for the bringing up of a subsequent motion of no-confidence where a previous motion has not been passed by a specified majority.

7. We agree that the provision relating to the automatic vacation of office by the person against whom a motion of no-confidence has been passed should be deleted and that the Local Government should be given power by notification to remove the person against whom such a motion has been passed.

8. We consider that no distinction should be made between a no-confidence motion passed by a majority and not a prescribed majority and a no-confidence motion not passed by a majority. We have provided that if a no-confidence motion is to be of any effect, it should be passed by a majority of not less than three-fifths of the sanctioned strength of the council or the board. We do not think that it is necessary to introduce a provision by which where a no-confidence motion has been passed by a majority, but not a prescribed majority, a subsequent motion can be made expressing want of confidence. We consider that alike in the case where a no-confidence motion has been rejected by a majority and in the case where a no-confidence motion has been passed by a majority but is ineffective for want of a majority of three-fifths, the result should be the same as that of rejection and that no subsequent motion of no-confidence should be competent for six months after such rejection.

9. The provision of the existing Acts which empowers the person presiding to receive a notice of the motion and to appoint a date for the discussion of the motion has given rise to much difficulty. We consider that it is necessary to provide for the delivery of a notice of a no-confidence motion to an outside authority and we have accordingly provided that notice of a no-confidence motion should be given in the case of a president of a district board to the District Collector and in the case of a president of a taluk board or the chairman of a municipal council to the Revenue Divisional Officer. On receipt of such notice, the officer concerned will fix a date for the meeting of the council or the board not later than thirty days from the date on which the notice was delivered to him and will give notice of fifteen clear days to the

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members of the council or the Board as the case may be. On the appointed date a meeting will be held for the discussion of the motion and he will himself preside at the meeting. We have expressly provided that the person presiding shall not take part in the debates or vote on the motion.

10. We consider that a chairman or vice-chairman or president or vice-president who has been newly elected and assumed office should be given some reasonable time to work the council or the board before he is asked to face a motion of no-confidence in him. We have therefore provided that no notice of motion expressing want of confidence can be given against a chairman or vice-chairman or president or vice-president until after six months of his assumption of office as such chairman or vice-chairman or president or vice-president.

11. In redrafting the Bills, we have attempted to provide for all contingencies that might arise and prevent all possibilities of abuse. We have expressly provided that after the coming into force of these Bills, no motion of no-confidence can be considered or voted upon unless it has been brought up in accordance with the procedure laid down in these Bills.

12. The Bills as amended by us are attached. We consider it unnecessary to re-publish the Bills.

A. T. PANNIRSELVAM.

P. SUBBARAYAN.

B. MUNISWAMI NAYUDU.

A. V. BHANOJI ROW.*

M. S. SRESHTA.

BASHEER AHMED SAYEED.

C. BASU DEV.

G. SIMHACHALLAM.*

MAHBOOB ALI BAIG.

C. S. RATNASABAPATHY.

P. SUBRAHMANYAM CHETTY.

T. S. RAMASWAMI AIYAR.*

YAHYA ALI SAHIB.

M. D. T. RANGANATHAN.

P. PEDDIRAJ.

* Subject to a minute of dissent.

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MINUTE OF DISSENT.

I

I am sorry I am unable to agree to the conclusions of the Select Committee regarding the period which should elapse between :

(1) the assumption of office by the chairman or vice-chairman or president or vice-president and the bringing in of a no-confidence motion against him;

(2) the rejection of a motion of no-confidence against such persons and the bringing up of a similar motion against the same person.

In my opinion a no-confidence motion should not be competent against a chairman or vice-chairman or president or vice-president, except once during the tenure of his office.

A. V. BHANOJI ROW.

II

Taluk boards ought to be eliminated from the operation of this Bill. Time allowed in clause 10 must be at least one year.

G. SIMHACHALLAM.

III

I am not in favour of the amendments suggested. I am for the deletion of the provision regarding the making of no-confidence motions altogether both with reference to local boards and district municipalities. This can easily be done by limiting the duration of the office of the chairman or the president of a municipality or a local board to a period of one year with liberty to the outgoing chairman to get himself re-elected if he commands the confidence of the council or the board. The result will be that instead of there being occasional no-confidence motions against the chairman or the president, there will be periodical confidence motions in favour of the chairman or the president. Such a provision would also put an end to all the acrimonious and factious feeling and excitement consequent upon a no-confidence motion. In other words, I propose a system for the mufassal municipalities and local boards similar to what now obtains in the Madras City Corporation. In the circumstances I am unable to agree with the majority report.

T. S. RAMASWAMI AIYAR.

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ANNEXURE I.

BILL No. 9 OF 1932.

[Changes made by the Select Committee are shown in clarendon type.]

A Bill further to amend the Madras District Municipalities Act, 1920, for a certain purpose.

WHEREAS it is expedient further to amend the Madras District Municipalities Act, 1920, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act
V of 1920.

Short title.

1. This Act may be called the Madras District Municipalities (Amendment) Act, 1932.

Substitution
of new
section for
section 40-A
of the
Madras Act
V of 1920.

2. For section 40-A of the Madras District Municipalities Act, 1920, the following section shall be substituted, namely:—

Madras Act
V of 1920.

Motion of
no-confi-
dence in
chairman or
vice-chair-
man.

“ 40-A (1) Subject to the provisions of this section, a motion expressing want of confidence in the chairman or in the vice-chairman, may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the Local Government, signed by such number of councillors as shall constitute not less than one-half of the sanctioned strength of the council, together with a copy of the motion which is proposed to be made, shall be delivered by any two of the councillors signing the notice in person together, to the Revenue Divisional Officer.

(3) The Revenue Divisional Officer shall then convene a meeting for the consideration of the motion, to be held at the Municipal Office, at a time appointed by him which shall not be later than thirty days from the date on which the notice under sub-section (2) was delivered to him. He shall give to the councillors notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

(4) The Revenue Divisional Officer shall preside at the meeting convened under this section, and no other person shall preside thereat. If within half an hour after the time appointed for the meeting the Revenue Divisional Officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the councillors by the Revenue Divisional Officer under sub-section (5).

(5) If the Revenue Divisional Officer is unable to preside at the meeting, he may, after recording his reasons in writing, adjourn the meeting to such other time as he may appoint. The date so appointed shall not be later than thirty days from the date appointed for the meeting under

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sub-section (3). Notice of not less than seven clear days shall be given to the councillors of the time appointed for the adjourned meeting.

(6) Save as provided in sub-sections (4) and (5), a meeting convened for the purpose of considering a motion under this section, shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the Revenue Divisional Officer shall read to the council the motion for the consideration of which it has been convened, and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours as the case may be, the motion shall be put to the vote of the council.

(10) The Revenue Divisional Officer shall not speak on the merits of the motion, nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the Revenue Divisional Officer to the Local Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the council, the Local Government shall, by notification, remove the chairman or vice-chairman as the case may be.

(13) If the motion is not carried by such a majority as aforesaid, or if the meeting cannot be held for want of a quorum, no notice of any subsequent motion expressing want of confidence in the same chairman or vice-chairman shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a chairman or vice-chairman as the case may be."

3. On and after the date of the commencement of this Act, no motion expressing want of confidence in the chairman or the vice-chairman shall be debated or voted upon by any council unless the provisions of section 40-A of the Madras District Municipalities Act, 1920, as amended by this Act, have been complied with.

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ANNEXURE II.

BILL No. 10 of 1932.

[Changes made by the Select Committee are shown in clarendon type.]

A Bill further to amend the Madras Local Boards Act, 1920, for a certain purpose.

WHEREAS it is expedient further to amend the Madras Local Boards Act, 1920, for the purpose hereinafter appearing; It is hereby enacted as follows:—

Madras Act
XIV of
1920.

Short title. 1. This Act may be called the Madras Local Boards (Second Amendment) Act, 1932.

Substitution of new section for section 44 of Madras Act XIV of 1920. 2. For section 44 of the Madras Local Boards Act, 1920, the following section shall be substituted, namely:—

Madras Act
XIV of
1920.

Motion of no-confidence in president or vice-president. 44. (1) Subject to the provisions of this section, a motion expressing want of confidence in the president or in the vice-president of a district board or of a taluk board may be made in accordance with the procedure laid down herein.

(2) Written notice of intention to make the motion, in such form as may be fixed by the Local Government, signed by such number of members of the board as shall constitute not less than one-half of the sanctioned strength of the board, together with a copy of the motion which is proposed to be made shall be delivered by any two of the members signing the notice, in person together

(a) to the District Collector in the case of a motion against the president or vice-president of a district board, and

(b) to the Revenue Divisional Officer in the case of a motion against the president or vice-president of a taluk board.

(3) The District Collector or the Revenue Divisional Officer as the case may be shall then convene a meeting for the consideration of the motion to be held at the office of the board at a time appointed by him which shall not be later than thirty days from the date on which the notice under subsection (2) was delivered to him. He shall give to the members notice of not less than fifteen clear days of such meeting and of the time appointed therefor.

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(4) The District Collector or the Revenue Divisional Officer as the case may be shall preside at the meeting convened under this sub-section and no other person shall preside thereat. If within half an hour after the time appointed for the meeting, the District Collector or the Revenue Divisional Officer is not present to preside at the meeting, the meeting shall stand adjourned to a time to be appointed and notified to the members by the Collector or the Revenue Divisional Officer as the case may be under sub-section (5).

(5) If the Collector or the Revenue Divisional Officer as the case may be finds that he will be unable to preside at the meeting, he may after recording his reasons in writing adjourn the meeting to such other time as he may appoint. The date so appointed by him shall not be later than thirty days from the date fixed for the meeting under sub-section (3). Notice of not less than ten clear days shall be given to the members of the time appointed for the adjourned meeting.

(6) Save as provided in sub-sections (4) and (5) a meeting convened for the purpose of considering a motion under this section shall not for any reason be adjourned.

(7) As soon as the meeting convened under this section has commenced, the presiding officer shall read to the board the motion for the consideration of which the meeting has been convened and declare it to be open for debate.

(8) No debate on any motion under this section shall be adjourned.

(9) Such debate shall automatically terminate on the expiry of two hours from the time appointed for the commencement of the meeting, if it is not concluded earlier. Upon the conclusion of the debate or upon the expiry of the said period of two hours as the case may be, the motion shall be put to the vote of the board.

(10) The presiding officer shall not speak on the merits of the motion nor shall he be entitled to vote thereon.

(11) A copy of the minutes of the meeting together with a copy of the motion and the result of the voting thereon shall forthwith on the termination of the meeting be forwarded by the presiding officer to the Local Government.

(12) If the motion is carried with the support of not less than three-fifths of the sanctioned strength of the board, the Local Government shall, by notification, remove the president or vice-president as the case may be.

(13) If the motion is not carried by such a majority as aforesaid or if the meeting could not be held for want of a

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quorum, no notice of any subsequent motion expressing want of confidence in the same president or vice-president shall be received until after the expiry of six months from the date of the meeting.

(14) No notice of a motion under this section shall be received within six months of the assumption of office by a president or vice-president as the case may be."

3. On and after the date of the commencement of this Act, no motion expressing want of confidence in the president or the vice-president shall be debated or voted upon by any board unless the provisions of section 44 of the Madras Local Boards Act, 1920, as amended by this Act, have been complied with.

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